THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 17 — 1934 — NUMBER 127

Washington, Saturday, June 28, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2979

REVOCATION OF THE DUTY SUSPENSION ON LEAD

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the import duties imposed under paragraphs 391 and 392 of the Tariff Act of 1930, as amended, on lead-bearing ores, flue dust, and mattes of all kinds, lead bullion or base bullion, lead in pigs and bars, lead dross, reclaimed lead, scrap lead, antimonial lead, and antimonial scrap lead have been suspended by Public Law 257, 82d Congress, approved February 11, 1952, with respect to imports entered, or withdrawn from warehouse, for consumption during the period beginning February 12, 1952, and ending with the close of March 31, 1953, or the termination of the national emergency proclaimed by me on December 16, 1950, whichever is earlier;

WHEREAS the said Public Law 257 contains the following proviso:

Provided, That when, for any one calendar month during such period [of suspended duties], the average market price of common lead for that month, in standard shapes and sizes, delivered at New York, has been below 18 cents per pound, the Tariff Commission, within fifteen days after the conclusion of such calendar month, shall so advise the President, and the President shall, by proclamation, not later than twenty days after he has been so advised by the Tariff Commission, revoke such suspension of the duties imposed under paragraphs 391 and 392 of the Tariff Act of 1930, such revocation to be effective with respect to articles entered for consumption or withdrawn from warehouse for consumption after the date of such proclamation.;

WHEREAS, on the fifth day of June, 1952, the Tariff Commission reported to me that it has found that the average market price of common lead for the month of May 1952, in standard shapes and sizes, delivered at New York, has been below 18 cents per pound:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, pursuant to the said proviso of Public Law 257, 82d Congress, do hereby proclaim the revocation of the suspension of duties provided for in the said Public Law 257, such revocation to be effective with respect to articles entered for consumption or withdrawn from warehouse for consumption after the date of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day of June in the year of our Lord nineteen hundred and fifty-two, and of the Independence of the United States of America the one hundred and seventy-sixth.

[SEAL]

HARRY S. TRUMAN

By the President:

DAVID BRUCE,
Acting Secretary of State.

[F. R. Doc. 52-7188; Filed, June 27, 1952; 10:09 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Amdt. 2 to Supp. 1, Wheat]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

DETERMINATION OF SUPPORT RATES

The regulation issued by Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 3693, 4103, and 4834, and containing the specific requirements for the 1952-crop wheat price support program is hereby amended as follows:

Section 601.1708 (b) (2) is amended by adding certain Indiana counties to the States listed therein so that the amended subparagraph reads as follows:

(Continued on p. 5787)

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

§ 601.1708 *Determination of support rates.* * * *

(2) In the States of Delaware, Kentucky, Maryland, New Jersey, North Carolina, Tennessee, Virginia, West Virginia, and the following counties in Indiana: Clark, Crawford, Daviess, Dearborn, Dubois, Floyd, Gibson, Harrison, Jackson, Jefferson, Jennings, Knox, Lawrence, Martin, Ohio, Orange, Perry, Pike, Posey, Ripley, Scott, Spencer, Switzerland, Vanderburgh, Warrick and Washington, the PMA commodity office shall, upon request of the county committee, determine the support rate for wheat stored in approved warehouses (except those situated at designated terminal markets) which was shipped by rail in the movement of natural market direction as approved by CCC, by adding to the county rate for the county from which the wheat was shipped an amount per bushel equal to the receiving and loading-out charges computed in accordance with the applicable rates of the Uniform Grain Storage Agreement for the 1952 crop and an amount equal to the transit value of the freight paid (plus tax) from points of origin to markets designated by CCC. The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in § 601.1704 (f). If the wheat is stored in approved warehouses located at transit points, taking a penalty by reason of backhaul, or out-of-line of natural market movements, such penalty or other costs by reason of such movement, as determined by CCC, shall be deducted from the support rates as determined in this paragraph.

* * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup., 1441, 1421)

Issued this 23d day of June 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

ELMER F. KRUSE,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-7103; Filed, June 27, 1952; 8:49 a. m.]

[1952 CCC Peanut Bulletin, 721 (Peanuts 1952)-1]

PART 646—PEANUTS

SUBPART—1952-CROP PEANUT PRICE SUPPORT PROGRAM

This bulletin states the terms and conditions of the 1952 Crop Peanut Price

Support Program under which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation, Production and Marketing Administration, and peanut cooperative associations (hereinafter referred to as "CCC", "PMA," and "cooperatives," respectively).

Sec.
646.401 Administration.
646.402 Areas and offices.
646.403 Availability.
646.404 Definitions.
646.405 Support prices.
646.406 Operation of cooperatives.
646.407 Peanuts eligible for price support.
646.408 Eligible producer.
646.409 Determination of type and grade.
646.410 Disbursement of loans.
646.411 Approved lending agencies.
646.412 Approved storage.
646.413 Method of determining quantity.
646.414 Applicable forms.
646.415 Liens.
646.416 Fees and warehouse shrinkage deduction.
646.417 Set-offs.
646.418 Interest rate.
646.419 Insurance.
646.420 Transfer of producer's interest.
646.421 Loss or damage to the peanuts under farm storage loan or identity-preserved warehouse storage loans.
646.422 Personal liability of the producer for the peanuts.
646.423 Safeguarding the peanuts.
646.424 Release of the peanuts under loan.
646.425 Liquidation of loans and delivery under purchase agreements.
646.426 Removal of peanuts under loan.
646.427 Purchase of notes.
646.428 Price support schedule.

AUTHORITY: §§ 646.401 to 646.428 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C., Sup. 714b. Interpret or apply secs. 4, 5, 62 Stat. 1070, as amended, 1072, secs., 101, 401, 63 Stat. 1051, 1054; 15 U. S. C., Sup. 714b, 714c, 7 U. S. C. Sup. 1441, 1421.

§ 646.401 *Administration.* (a) The program will be administered by PMA, under the general direction and supervision of the President, CCC, and in the field, will be carried out by PMA State and PMA county committees (hereinafter called State and county committees), PMA commodity offices, and the cooperatives designated in § 646.402 and any other cooperatives approved by CCC.

(b) It will be the responsibility of the State PMA committee in each State to carry out the provisions of the 1952 peanut program in such a manner that price support will be available to all eligible producers of merchantable farmers stock peanuts. Insofar as practicable, warehouse storage and price support to the producers will be made available through the cooperatives, which will establish, throughout the State, warehouses to which the farmers may deliver their peanuts for market. Warehouse storage facilities will be made available for individual producer loans in those locations where the State committee determines that the cooperative warehouse facilities are inadequate, or for some other reason, are not properly serving the needs of producers.

(c) Producers interested in participating in the program should communicate with their county committee or the peanut cooperative association serving their area.

(d) All documents in connection with farm or warehouse storage loans and purchase agreements will be completed and approved by the county committee which will retain copies of all such documents. The State committee may authorize the county committee to designate certain employees of the county committee to approve documents on behalf of the county committee. The names of the employees delegated to approve documents in behalf of the county committee shall be submitted to the State committee for approval.

(e) Authorized representatives of the peanut cooperative will issue drafts to producers for peanuts marketed through the cooperative.

(f) State and county committees, PMA commodity offices and cooperatives do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto.

§ 646.402 *Areas and offices.* The areas in which the program will be available and the cooperatives and PMA commodity offices serving such areas are as follows:

(a) The Virginia-Carolina area consisting of the States of Virginia, North Carolina, Tennessee, Missouri, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

Cooperative: Growers Peanut Cooperative, Inc., Franklin, Va.

PMA Commodity Office: PMA Commodity Office, U. S. Department of Agriculture, Wirth Building, 120 Marais Street, New Orleans 16, La.

(b) The Southeastern area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

Cooperative: GFA Peanut Association, Camilla, Ga.

PMA Commodity Office: PMA Commodity Office, U. S. Department of Agriculture, Wirth Building, 120 Marais Street, New Orleans 16, La.

(c) The Southwestern area consisting of the States of Texas, Oklahoma, New Mexico, Arkansas, Louisiana, Arizona, and California.

Cooperative: Southwestern Peanut Growers' Association, Gorman, Tex.

PMA Commodity Offices

For Texas, Oklahoma, and New Mexico: PMA Commodity Office, U. S. Department of Agriculture, Room 218, Santa Fe Building, 1114 Commerce Street, Dallas 2, Tex.

For Arkansas and Louisiana: PMA Commodity Office, U. S. Department of Agriculture, Wirth Building, 120 Marais Street, New Orleans 16, La.

For Arizona and California: PMA Commodity Office, U. S. Department of Agriculture, P. O. Box 3638, Rincon Annex, San Francisco 19, Calif.

§ 646.403 *Availability*—(a) *Methods of support.* (1) CCC will support the price to eligible producers of eligible 1952 crop quota peanuts through (i) non-recourse farm storage loans to producers, (ii) purchase agreements with producers, (iii) non-recourse loans to the cooperatives under contract with CCC, and (iv) non-recourse warehouse storage loans to producers storing peanuts in warehouses.

(2) Loans on peanuts stored on farms or in warehouses under contract with CCC must be approved by the county PMA committee which keeps the farm program records for the farm. After the loan documents are approved, the producer may obtain his loan from any local bank or other lending agency which has entered into a lending agency agreement with CCC, or he may obtain the loan through the county PMA committee.

(3) Purchase agreements are also available to producers through the county committee which keeps the farm program records for the farm.

(4) Producers who market their peanuts through the cooperative will deliver them to the cooperative warehouse and receive payment from the cooperative. Producers marketing their peanuts through a cooperative are not required to be members of the cooperative.

(b) *Time.* (1) Producer farm and warehouse storage loans will be available through January 31, 1953, and mature May 31, 1953, or earlier upon demand.

(2) Purchase agreements will be available through January 31, 1953. Producers who elect to deliver peaunts under a purchase agreement must notify the county committee within a 30-day period ending on May 31, 1953, or any earlier date approved by the President of CCC.

(3) Cooperatives will receive peanuts from producers through January 31, 1953. CCC's loan to the cooperative will mature on May 31, 1953, or earlier upon demand by the President of CCC.

§ 646.404 *Definitions.* As used in this subpart and in instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The generally known types of peanuts (i. e., Runner, Spanish, Valencia, and Virginia) shall be as defined in Marketing Quota Regulations for Peanuts of the 1952 Crop, 1023 (Peanuts-52)-1, Amendment 1 (17 F. R. 907) (7 CFR Part 729).

(b) Farmers stock peanuts means picked and threshed peanuts produced in the continental United States during the calendar year 1952 and which have not been shelled, crushed, cleaned (except for removal of foreign material), or otherwise changed from the State in which picked or threshed peanuts are customarily marketed by producers.

(c) Quota peanuts means farmers stock peanuts which are within the amount of the farm marketing quota determined pursuant to § 729.346 of Marketing Quota Regulations for 1952 Crop of Peanuts.

(d) Merchantable farmers stock peanuts means farmers stock quota peanuts containing 15 percent or less foreign material, 3 percent or less damaged peanuts, and 9 percent or less moisture in the Southeastern and Southwestern areas and 10 percent or less moisture in the Virginia-Carolina area.

(e) High damage peanuts means peanuts meeting all requirements with respect to merchantable farmers stock peanuts except that they contain 4 percent or more damaged kernels.

(f) Within quota card means Form MQ–76–Peanuts (1952), Peanut Within Quota Marketing Card, issued for farms for which it is determined that the farm peanut acreage is not in excess of the larger of the farm allotment or one acre. This card authorizes the marketing of all peanuts produced on the farm without payment of a marketing penalty.

(g) Grade means the percentage of sound mature kernels, damaged kernels, other kernels, foreign material, moisture, and extra large kernels in the case of Virginia type peanuts.

(h) Farm peanut acreage means 1952 farm peanut acreage determined in accordance with the marketing quota regulations, and generally, refers to the total acreage of peanuts on the farm which is picked or threshed.

(i) Excess moisture for the purpose of determining net weight, means the percentage of moisture in excess of 7 percent in the Southeastern and Southwestern areas and in excess of 8 percent in the Virginia-Carolina area.

(j) Lot means that quantity of farmers stock peanuts for which one Federal-State inspection certificate is issued.

(k) Pound net weight means that quantity of farmers stock peanuts, excluding foreign material and excess moisture, equal to one pound standard weight. The net weight of any quantity of farmers stock peanuts shall be determined as follows: (1) Deduct from the gross weight the pounds of foreign material determined by multiplying the gross weight by the percentage of foreign material; (2) multiply the result obtained in (1) by the percentage excess moisture; (3) subtract the result obtained in (2) from that obtained in (1).

(l) Market means to dispose of peanuts, including farmers stock peanuts, shelled peanuts, or peanuts in processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. The terms "marketed," "marketing," and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used.

(m) Warehouse means a warehouse for which a Peanut Storage Contract, CCC Peanut Form 29, is in effect.

(n) Producer means a person who, as owner, landlord, tenant, or sharecropper, is entitled to share in the peanuts produced on the farm or in the proceeds thereof.

(o) Operator means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(p) Marketing quota regulations means the Marketing Quota Regulations for 1952 Crop of Peanuts issued by the Secretary of Agriculture, including any amendments or supplements thereto (16 F. R. 11946, 17 F. R. 907, and 17 F. R. 4317).

(q) Farm allotment means the farm peanut acreage allotment for the 1952 crop of peanuts established pursuant to the marketing quota regulations. In any case where a farm allotment is not established or is established at less than one acre the farm peanut acreage shall be deemed to be in excess of the farm allotment only if it exceeds one acre.

§ 646.405 *Support prices.* The support prices and producer loan rates for merchantable farmers stock peanuts are contained in § 646.428. The weighted average support price and producer loan rate for all merchantable farmers stock peanuts will be not less than $239.40 per ton. Such prices and rates will be increased if the supply percentage and parity price level as of August 1, 1952, require an increase.

§ 646.406 *Operations of cooperatives.* (a) Each peanut cooperative which enters into a 1952 Crop Peanut Cooperative Loan Agreement, CCC Peanut Form 27 (hereinafter referred to as "agreement"), with CCC will (1) receive, at support prices less fees and charges specified in the agreement, merchantable and high damage farmers stock peanuts delivered by eligible producers to cooperative warehouses, (2) store, handle, and market such peanuts on behalf of the producers, (3) distribute among the producers from whom it receives such peanuts all profits made from the sales of such peanuts, unless other disposition is approved by the President of CCC, and (4) handle peanuts acquired by CCC under the price support program.

(b) The cooperative will enter into a Peanut Receiving and Warehouse Contract, CCC Peanut Form 28, with each approved warehouseman who agrees to make his storage facilities available to, and to receive eligible peanuts for, the cooperative.

(c) CCC, pursuant to the terms of its agreement with the cooperative, will make a loan to the cooperative to enable it to pay producers for peanuts marketed through the cooperative, and all peanuts received by the cooperative shall be used as collateral for the loan by CCC. The cooperative will be permitted to redeem the peanuts and sell them, in accordance with sales policies, methods, and prices approved by CCC. CCC shall have the right at any time to call the loans or to direct the cooperative to sell peanuts handled by it.

(d) Peanuts acquired by CCC under the price support program will be handled by the cooperative on a fee basis, as specified in the agreement.

§ 646.407 *Peanut eligible for price support.* (a) Farmers stock peanuts, to be eligible for price support, must be:

(1) 1952 crop quota peanuts produced by an eligible producer;

(2) Merchantable farmers stock peanuts as defined in § 646.404, except that high damage peanuts may be delivered to the cooperative at prices specified in § 646.428, less fees and deductions specified in § 646.416.

(3) Identified by a within quota marketing card in accordance with the Marketing Quota Regulations for 1952 Crop of Peanuts.

(4) Free and clear of all liens and encumbrances, including landlord's liens, or if liens or encumbrances exist on the peanuts, proper waivers must be obtained; and

(5) The beneficial interest in the peanuts must be in the person tendering them for a loan or for delivery under a purchase agreement, or offering them to a cooperative, and must always have been in him or must have been in him and a former producer whom he succeeded before the peanuts were harvested.

§ 646.408 *Eligible producer.* (a) A producer will be considered a "cooperator" and eligible for price support through any method with respect to all merchantable farmers stock peanuts, and will be eligible to market through the cooperative high damage peanuts, provided such merchantable and high damage peanuts are produced by him on a farm (1) on which the 1952 picked and threshed acreage of peanuts does not exceed the 1952 allotment for such farm, or (2) for which a within quota card is issued to the operator upon the execution of MQ–92, "Agreement by Operator of Overplanted Farm", in which he agrees (i) that the farm peanut acreage will not be in excess of the larger of the farm allotment or one acre, and (ii) if such undertaking is breached to pay liquidated damages to CCC, determined in accordance with the terms of such agreement, and to pay any marketing penalties determined to be due the Secretary of Agriculture.

(b) The liquidated damages payable to CCC under such agreement may be waived to such extent as the President of CCC or his designated representative may determine appropriate in any case where he determines (1) that the breach of such agreement was unintentional and occurred despite a bona fide effort by the operator and other producers on the farm to comply with the agreement and (2) that the amount by which the farm peanut acreage exceeded the acreage specified in the agreement was so small, in relation to the acreage so specified, that it did not materially impair CCC's price support operations. Copies of Form MQ–92 may be obtained from the county committee. The county committee may decline to execute Form MQ–92 in any case where it finds reasonable grounds to believe that such agreement will be used as a device to evade the requirements of this program or the collection of marketing penalty.

§ 646.409 *Determination of type and grade.* The Federal-State Inspection Service shall determine the type and grade of all peanuts which are to be:

(a) Mortgaged as security for a farm storage loan, such type and grade to be determined on the basis of a sample taken by the county committee before the loan is made; but the settlement value of the mortgaged peanuts delivered in satisfaction of the loan will be determined on the basis of the grade determined at the time such peanuts are delivered;

(b) Stored in a warehouse and for which a warehouse receipt is issued in the form approved by CCC, such type and grade to be determined at the time the peanuts are delivered to the warehouse;

(c) Delivered to CCC under a purchase agreement, such type and grade to be determined either (1) at the time the peanuts are delivered to CCC by the producer or (2) at the time the peanuts are

delivered for storage to a warehouse if a warehouse receipt is issued in the form approved by CCC;

(d) Marketed through peanut cooperatives, such type and grade to be determined at the time the peanuts are delivered to the cooperative warehouse;

(e) Delivered to CCC by cooperatives, such type and grade to be determined at the time the peanuts are loaded out of the warehouse, unless another time is agreed to by CCC and the cooperative; and

(f) Delivered to CCC from a warehouse, such type and grade to be determined at the time the peanuts are loaded out of the warehouse.

§ 646.410 *Disbursement of loans.* Disbursement of farm and warehouse storage loans will be made to producers by approved lending agencies under agreement with CCC, or by PMA county offices who will issue sight drafts on CCC. Disbursement, regardless of where made, shall not be made after February 15, 1953, unless approved by the President, CCC. The producer shall not present the loan documents for disbursement unless peanuts are in existence and in good condition. If the peanuts are not in existence and in good condition at the time of disbursement, the proceeds shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized, the producer shall be personally liable for repayment of the amount of such excess.

§ 646.411 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity, with which CCC has entered into a Lending Agency Agreement on CCC Form 292.

§ 646.412 *Approved storage.* Farm or warehouse storage loans will be made only on peanuts in approved storage. Purchase agreements will be accepted without any requirements for approved storage; however, warehouse receipts tendered on peanuts under purchase agreements will be purchased only on peanuts in approved warehouse storage and provided such peanuts are in existence and in good condition at the time the warehouse receipt is tendered for purchase.

(a) *Farm storage.* Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses), which are determined by the county committee to be so located and of such substantial and permanent construction as to afford safe storage of peanuts. Such structure shall be dry and well-ventilated.

(b) *Warehouse storage.* (1) Approved warehouse storage for peanuts under a warehouse storage loan or delivered under a purchase agreement shall consist of warehouses for which a Peanut Storage Contract, CCC Peanut Form 29, is in effect. The names and locations of such approved warehouses may be obtained from the county or State committee, or from PMA commodity offices.

(2) Approved warehouses and delivery points for peanuts marketed through the cooperatives shall consist of warehouses for which a Peanut Receiving and Warehouse Contract, CCC Peanut Form 28, is in effect. The names and locations of such approved warehouses may be obtained from the cooperative for the area or from the State PMA committee.

§ 646.413 *Method of determining quantity.* (a) The gross weight of bulk peanuts placed under a farm storage loan may be determined either by weight or by measurement. When the quantity of bulk peanuts is determined by measurement, the gross weight will be determined on the basis of the number of cubic feet shown below for the type of peanuts indicated:

Type:	*Weight per cubic foot (pounds)*
Spanish	22.9
Runner	21.4
Valencia	21.4
Virginia	16.8

(b) If the peanuts are stored on the farm in bags, the county committee shall weight a sufficient number of bags to determine the approximate gross weight of all the peanuts to be placed under loan and for the purposes of the loan, shall deduct 5 percent from such approximate weight to cover any discrepancy between such weight and the actual weight of all such peanuts.

(c) The gross weight of peanuts placed under a warehouse storage loan or delivered under a farm storage loan or purchase agreement shall be determined by actual weight at the time of delivery.

(d) The gross weight of all peanuts marketed through the cooperative shall be determined by actual weight at the time of delivery.

§ 646.414 *Applicable forms.* The approved forms consist of the loan and purchase agreement forms and such other forms and documents as may be required, which, together with these provisions, govern the rights and responsibilities of the producer. Notes and chattel mortgages, note and loan agreements, and purchase agreements must be dated and delivered to the county committee on or before January 31, 1953. Notes and chattel mortgages and note and loan agreements must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(a) *Farm storage loans.* Approved forms shall consist of producer's notes on Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA, and such other forms and documents as may be required by CCC.

(b) *Warehouse storage loans.* Approved forms shall consist of the note and loan agreement on Commodity Loan Form B, secured by warehouse receipts and such other forms and documents as may be required by CCC. Any peanuts pledged as security for a loan on a single note and loan agreement must be stored in the same warehouse.

(1) *Warehouse receipts.* Warehouse receipts, representing peanuts in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must:

(i) Be issued in the name of the producer, must be properly endorsed so as to vest title in the holder, must be issued by a warehouse under contract with CCC pursuant to § 646.412, and must indicate that peanuts stored commingled are insured. The receipts must be negotiable and must cover eligible peanuts actually in store in the warehouses described in the receipts.

(ii) Show the type and grade of the peanuts at the time of receipt into the warehouse, as determined by the Federal-State Inspection Service, and the dollar value of such peanuts determined on the basis of § 646.428. A warehouse receipt for commingled peanuts must also contain the warehouseman's guarantee to deliver a quantity of the same type of peanuts equal in dollar value to not less than the applicable percentage of the dollar value of the peanuts received and represented by the warehouse receipt. If the peanuts are stored identity preserved, the warehouse receipt shall sufficiently describe the peanuts so that they may be readily identified at all times, and the producer must execute the supplemental certificate prescribed in paragraph (e) of this section.

(iii) State such other terms and conditions as are required under CCC Peanut Form 29, Peanut Storage Contract for warehouses, and may be subject to liens for warehouse charges approved in such contract and indicated on the warehouse receipt.

(c) *Warehouse receipts; cooperative warehouses.* Warehouse receipts, representing peanuts marketed through the cooperative and stored in approved warehouse storage, must:

(1) Be issued by a warehouse under contract with the cooperative pursuant to § 646.412, and must be non-negotiable. The receipts must cover eligible peanuts or high damage peanuts actually in store for the account of CCC in the warehouses described on the receipts.

(2) Show the type and grade of the peanuts at the time of receipt into the warehouse, as determined by the Federal-State Inspection Service, and the dollar value of such peanuts determined on the basis of the price support schedule.

(3) Contain the warehouseman's agreement to deliver peanuts pursuant to the terms of the contract and in accordance with instructions by CCC or its agent.

(4) State such other terms and conditions as are required under CCC Peanut Form 28, and may be subject to liens for warehouse charges approved in such contract.

(d) *Purchase agreements.* The purchase agreement forms shall consist of the Purchase Agreement, Commodity Purchase Form 1, and Purchase Agreement Settlement, Commodity Purchase Form 4, signed by the producer and approved by the county committee, the delivery instructions, Commodity Purchase Form 3, issued by the county committee, negotiable warehouse receipts from warehouses, and such other forms and documents as may be required by CCC.

(e) *Producer's supplemental certificate.* Each warehouse receipt representing peanuts under loan stored in an approved warehouse on an identity-preserved basis, must be accompanied by a supplemental certificate, executed by the producer, and properly identified with the warehouse receipt. Such certificate shall contain the producer's responsibility with respect to the peanuts in accordance with § 646.421.

§ 646.415 *Liens.* If there are any liens or encumbrances on the peanuts, acceptable waivers must be obtained.

§ 646.416 *Fees and warehouse shrinkage deduction.* (a) Producers shall pay the following initial service charges on the quantity placed under a farm storage or warehouse storage loan or the maximum quantity specified in the purchase agreement. An additional service charge shall be paid on any additional quantity delivered to and accepted by CCC under a farm or identity preserved warehouse storage loan to a producer. No refund of service charges will be made. State committees may, at their option, require a deposit on farm storage loans, such deposit to be applied against the service fee when loan is granted. The service charge on a purchase agreement shall be paid at the time the producer signs the agreement.

Farm storage loans: 30 cents per ton—minimum charge of $3.

Warehouse storage loans: 15 cents per ton—minimum charge of $1.50.

Purchase agreements: 15 cents per ton—minimum charge of $1.50.

(b) The producer will pay the Federal State Inspection fee applicable to the quantity of peanuts:

(1) Placed under a farm storage or warehouse storage loan.

(2) Delivered to CCC under a purchase agreement.

(3) Marketed through the cooperative.

(c) Warehouse charges through May 31, 1953 for peanuts marketed through the cooperative or peanuts stored in a warehouse and placed under a loan or delivered under a purchase agreement will be deducted from the proceeds of the loan or from the payment made by the cooperative or CCC. CCC will pay receiving and handling charges due on peanuts delivered to it after May 31, 1953, and on peanuts delivered prior to May 31, 1953, with the approval of CCC.

(d) For peanuts marketed through the cooperative the producer will pay a handling fee in the amount of 15 cents per ton.

(e) The charges of this section will be computed on gross weights.

(f) Pursuant to § 646.421 the producer is responsible for loss in weight and grade of the peanuts while in storage. For peanuts stored on the farm, such loss will be reflected in the value of the peanuts at the time of settlement if the peanuts are delivered to CCC. If the peanuts are marketed through the cooperative or stored in a warehouse, a deduction in the amount of the tolerance allowed the warehouseman for loss in weight and grade, including a deduction for shrinkage in extra large kernels in Virginia type peanuts, will be made from the support price to the producer at the time the peanuts are marketed or at the time the loan is made.

§ 646.417 *Set-offs.* If a producer who obtains a farm or warehouse storage loan or delivers peanuts under a purchase agreement is indebted to CCC on any accrued obligation, or if any installments past due or maturing within 12 months are unpaid on any loan made available by CCC on farm storage facilities, whether held by CCC or a lending agency, he must designate CCC or such lending agency as the payee of the proceeds of the loan or purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. However, prepayment of only one principal installment on a farm storage facility loan shall be deducted from the price support proceeds of any one crop year. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above. Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders. Cooperatives shall deduct from their drafts to producers and remit to the proper agency of the United States the amount of indebtedness as shown on the marketing cards on which such peanuts are marketed through the cooperatives. Compliance with the provisions of this section shall not constitute a waiver of any right of the debtor to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 646.418 *Interest rate.* Farm and warehouse storage loans to producers shall bear interest at the rate of 3½ percent per annum and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note. CCC loans to cooperatives will bear interest at the rate of 3½ percent per annum.

§ 646.419 *Insurance.* (a) CCC will not require the producer to insure the peanuts placed under a farm storage or an identity-preserved warehouse storage loan. However, if the producer insures peanuts stored on a farm and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the peanuts involved in the loss. If insurance is obtained by the producer on peanuts stored in a warehouse on an identity-preserved basis, it must be assigned to the warehouseman with the consent of the insurance company, and the warehouseman must also certify that the insurance has been assigned to him.

(b) CCC will not require peanuts stored in a cooperative warehouse to be insured against risks of fire and extended coverage except that insurance may be required if peanuts other than those delivered to the cooperative are stored in the same building. However, if the warehouseman insures such peanuts and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest. Peanuts stored commingled in a warehouse must be insured against risks of fire and extended coverage.

§ 646.420 *Transfer of producer's interest*—(a) *Loans.* The right of the producer to transfer either his right to redeem the peanuts under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign his interest in the purchase agreement.

(c) *Peanuts marketed through the cooperative.* Upon delivery of the peanuts to the cooperative, the producer authorizes the cooperative as his agent to pledge his peanuts to CCC as security for loans to the cooperative and to market his peanuts on his behalf. The producer shall be entitled to his pro rata share in any profits made by the cooperative from the sale of all peanuts of like quality; i. e., either peanuts containing 3 percent or less damaged kernels, or high damaged peanuts.

§ 646.421 *Loss or damage to the peanuts under farm storage loan or identity preserved warehouse storage loans.* (a) The producer is responsible for any loss in grade and for any loss in weight except that, subject to the provisions of § 646.419 physical loss or damage occurring after disbursement of the loan funds without fault, negligence or conversion on the part of the producer or any other person having control of the storage structure, resulting solely from an external cause, will be assumed by CCC provided the producer or warehouseman has given the county committee immediate notice of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. CCC shall assume losses for insect damage occurring after the producer has given the county committee notice in writing of the presence of worms or weevils and the county committee has by inspection verified the presence of worms or weevils.

(b) No physical loss or damage occurring prior to disbursement of the loan funds to the producer will be assumed by CCC. Where disbursement of funds is made by sight draft or check, the date of the draft or check shall constitute the date of disbursement of the funds.

§ 646.422 *Personal liability of the producer for the peanuts.* The making of any fraudulent representation by the producer in obtaining price support or the conversion or unlawful disposition of any portion of the peanuts by him may render the producer subject to criminal prosecution under the Federal Law and personally liable for the amount received by him (plus interest) and for any resulting expense incurred by any holder of the note.

§ 646.423 *Safeguarding the peanuts.* The producer obtaining a farm storage loan is obligated to maintain the storage structure in good repair and to keep the peanuts in good condition.

§ 646.424 *Release of the peanuts under loan.* A producer may at any time, obtain release of peanuts remaining

under loan by paying to the holder of the note or the note and loan agreement, the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Upon presentation of the paid note, the county committee shall arrange for the release of the chattel mortgage. Partial release of the peanuts prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of peanuts to be released. In the case of warehouse storage loans, such partial release must cover all of the peanuts under one warehouse receipt.

§ 646.425 *Liquidation of loans and delivery under purchase agreements—*(a) *Farm storage loans.* (1) The producer is required to pay off his loan on or before maturity or to deliver the peanuts in accordance with instructions issued by the county committee. If the producer fails to deliver mortgaged peanuts in accordance with instructions of the county committee, he will be responsible for all costs of removal by the holder of the note. The producer may, however, pay off his loan and redeem his peanuts at any time prior to delivery of the peanuts to CCC or removal by CCC. If the peanuts are or are in danger of going out of condition, the producer shall notify the county committee which shall determine whether the peanuts must be delivered before the maturity date of the loan. In the event the farm is sold or there is a change of tenancy, the peanuts may be delivered before the maturity date of the loan, upon prior approval by the county committee, or may be delivered before the maturity date of the loan for other reasons upon prior approval of the President, CCC. Settlement will be made, subject to the provisions of the mortgage supplement, at the applicable support price based on the type, weight, grade and quality of the peanuts delivered. Delivery of peanuts in bulk will be accepted only from the structure(s) in which the peanuts under loan are stored. In the case of peanuts stored in bags, only the identical bags under loan may be delivered. Settlement will be made on the quantity and quality delivered by the producer and accepted by the county committee.

(2) If the settlement value of the peanuts delivered exceeds the amount due on the loan (excluding interest), such amount will be paid to the producer on the basis of the settlement documents. Deliveries of peanuts to CCC under farm storage loans will be handled by the PMA county committee which initially approved the loan. Any payment due the producer will be made by sight draft drawn on CCC by the PMA county office.

(3) If the settlement value of the peanuts is less than the amount due on the loan (excluding interest), the amount of the deficiency plus interest thereon, shall be paid to CCC or may be set off against any payment which would otherwise be due to the producer under any agricultural programs administered by the Secretary of Agriculture or any other payments which are due or may become due to producer from CCC or any other agency of the United States.

(b) *Warehouse storage loans.* (1) In the case of all warehouse storage loans with respect to commingled peanuts, if the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the peanuts in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 646.426. Any payment due a producer at the time of settlement on a warehouse storage loan will be made by the appropriate PMA commodity office.

(2) In the case of loans on peanuts stored in a warehouse on an identity-preserved basis, if the producer does not repay his loan by maturity, the county committee shall specify a period within which the producer shall redeem his peanuts. If the producer does not redeem his peanuts during such specified period, the quantity, type, and grade shall be determined by actual weight and by Federal-State inspection, and settlement with the producer for the quantity, type, and grade of peanuts delivered to CCC will be made on the basis of the note and loan agreement and the price support schedule; and any payment due the producer will be made by sight draft drawn on CCC by the PMA county office. Any payment due the producer because of an overplus realized from the sale or pooling of the peanuts will be made by the appropriate PMA commodity office. If the peanuts are purchased by CCC, the purchase price shall be the market value as of the day following maturity, as determined by CCC.

(c) *Payments and collections; amounts not exceeding $3.00.* To avoid administrative costs of making small payments and handling small accounts, amounts due the producer of $3.00 or less will be paid only upon his request and a deficiency of $3.00 or less, including interest, may be disregarded by a producer unless demand for payment is made by CCC.

(d) *Purchase agreements.* (1) The producer who signs a purchase agreement, Commodity Purchase Form 1, will not be obligated to sell any quantity of peanuts to CCC. However, the quantity stated in the purchase agreement will be the maximum quantity he may sell to CCC. If the producer who signs a purchase agreement wishes to sell the peanuts to CCC, he will have a 30-day period ending on May 31, 1953 during which he must notify the county committee of his intention to sell.

(2) In the case of eligible peanuts stored commingled in an approved warehouse, the producer must, not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by the county committee, submit to the county committee, properly executed warehouse receipts for the quantity of peanuts he elects to sell to CCC. CCC will purchase only that quantity which the warehouseman guarantees to deliver on such warehouse receipts. In the case of eligible peanuts stored in other than approved warehouse storage, or stored identity preserved in approved warehouse storage the county committee will, on or after the final date of such 30-day period, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines that more time is needed for delivery.

(3) The producer may be required to retain peanuts in other than approved warehouse storage for a period of 60-days, such period beginning on the first day of the delivery period, without any cost to CCC.

(4) The peanuts delivered under a purchase agreement must meet the eligibility requirements in § 646.407 when delivered and will be purchased at the applicable support rate. When delivery is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made. Peanuts stored commingled in approved warehouses will be purchased, on the basis of the amount guaranteed on the warehouse receipts and/or accompanying documents. Peanuts stored identity-preserved in approved warehouse and peanuts delivered from other than approved warehouse storage will be purchased on the basis of the weight, grade, and other quality factors, determined by the county committee at the time of delivery and agreed to by the producer on Commodity Purchase Form 4.

§ 646.426 *Removal of peanuts under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the peanuts and sell them either by separate contract or after pooling them with other lots of peanuts similarly held. If the peanuts are pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled peanuts as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of peanuts, even though part or all of such pooled peanuts are disposed of under such policies at prices less than the current domestic price. Any sum due the producer as a result of the sale of the peanuts or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 646.427 *Purchase of notes.* The county committee will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or acceptable negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sum remaining due on such notes, plus an amount computed according to the lending agency agreement to cover interest. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as

CCC may prescribe for all payments received on producers' notes held by them, and are required to remit to CCC a part of the interest collected, computed according to the lending agency agreement. Lending agencies shall submit notes and report to the PMA county office serving the area.

§ 646.423 *Price support schedule.* The following support prices apply to net weight farmers stock peanuts eligible for price support. The prices are for peanuts in bulk in the Southeastern Area and in bags in the Southwestern and Virginia-Carolina areas.

(a) *Base grade prices.* The base grade support prices for the various types and grades of peanuts shall be as follows:

	Per ton
Virginia type, 65 percent sound mature kernels	$231
Runner type, 65 percent sound mature kernels	215
Southeastern Spanish, 70 percent sound mature kernels	236
Southwestern Spanish, 70 percent sound mature kernels	232

(b) *Premiums and discounts*—(1) *Sound mature kernels.* For each 1 percent sound mature kernel content above or below the base grade, the premium or discount, whichever is applicable, shall be as follows:

	Per ton
Virginia type	$3.60
Runner type	3.30
Spanish type (Southeastern)	3.40
Spanish type (Southwestern)	3.30

The term "sound mature kernels" means kernels which are free from damage as defined in the U. S. Standards for farmers stock (i) white Spanish peanuts in the case of Spanish and Valencia peanuts and (ii) Runner and Virginia peanuts, respectively, in the case of Runner and Virginia peanuts; and which will not pass through a screen having:

(a) $^{15}/_{64}$ x ¾ inch perforations in the case of Spanish peanuts.

(b) $^{15}/_{64}$ x 1 inch perforations in the case of Virginia peanuts, and

(c) $^{15}/_{64}$ x ¾ inch perforations in the case of Runner and Valencia peanuts.

(2) *Damaged kernels.* The discount for damage in excess of 1 percent shall be as follows per ton by types:

Peanuts containing damaged kernels of—	Virginia	Runners	Spanish	
			Southeast	Southwest
2 percent	$3.60	$3.30	$3.40	$3.30
3 percent	7.20	6.60	6.80	6.60
4 percent	14.40	13.20	13.60	13.20
5 percent	21.60	19.80	20.40	19.80
6 percent	35.00	35.00	35.00	35.00
7 percent	55.00	55.00	55.00	55.00
8 percent and over	120.00	120.00	120.00	120.00

(3) *Foreign material.* The discount for each full 1 percent foreign material in excess of 4 percent and not over 10 percent shall be $1.00 per ton and in excess of 10 percent and not over 15 percent shall be $2.00 per ton.

(4) *Extra large kernels.* For Virginia type peanuts the premium for each full 1 percent extra large kernels in excess of 15 percent shall be $1.25 per ton. "Extra Large Kernels" means any shelled Virginia peanuts which are whole and which are free from noticeably discolored or damaged peanuts as defined in the U. S. Standards for Shelled Virginia peanuts (effective November 1, 1939) and which will not pass through a screen having 21.5/64 x 1 inch perforations.

(5) Any lot or load of peanuts which would otherwise be considered Virginia type but which contains less than 20 percent "Fancy" size (peanuts riding a 34/64 x 3 inch slotted screen) will be considered Runner type peanuts.

(6) The term "Southeastern Spanish" refers to Spanish type peanuts produced east of the Mississippi River and the term "Southwestern Spanish" refers to Spanish type peanuts produced west of the Mississippi River.

(c) *Valencia type peanuts.* For Valencia type peanuts containing less than 25 percent discoloration and damage caused by cracked or broken shells, the support price shall be the same as the support price for Virginia type peanuts of the same grade, except that no premium is applicable for extra large Valencia kernels. For other Valencia type peanuts the support price will be the same as the support price for Spanish peanuts of the same grade and in the same area.

Issued this 20th day of June 1952.

[SEAL] ELMER F. KRUSE,
Vice-President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-7125; Filed, June 27, 1952; 8:56 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

TABLE GRAPES (EUROPEAN OR VINIFERA TYPE)

On April 3, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 2888) regarding proposed United States Standards for Table Grapes (European or Vinifera type). A period of thirty days was allowed for submitting written data, views and arguments for consideration in connection with the proposed standards. During this time representatives of groups within the California table grape industry requested an extension of time for consideration of the proposed standards. This request was granted and the time was extended until June 2, 1952, for submitting written data, views and arguments regarding the proposed standards (17 F. R. 4352). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice of rule making, the following United States Standards for Table Grapes (European or Vinifera type) are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved August 31, 1951).

§ 51.232 *Standards for table grapes (European or Vinifera type)*—(a) *Grades*—(1) *U. S. Fancy Table Grapes.* U. S. Fancy Table Grapes consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are well matured, fairly uniform in appearance and well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, sunburn and Almeria Spot, and shall be free from damage caused by scarring, discoloration, heat, mildew, other diseases, freezing, insects, or mechanical or other means.

(i) *Bunches.* The bunches shall be fairly well filled but not excessively tight. They shall also be free from injury caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and they shall weigh not less than one-half pound.

(ii) *Stems.* The stems shall be well developed and strong, shall not be dry and brittle and shall be free from mold and free from damage caused by mildew or freezing. The Almeria variety shall have stems which are mature. The Emperor variety shall have stems which are mature and distinctly yellowish-green or yellow at time of packing.

(iii) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of shot berries and dried berries, on each bunch shall have a minimum diameter as indicated for varieties as follows:

Ribier and Cardinal, $^{12}/_{16}$ of an inch.
Tokay, $^{11}/_{16}$ of an inch.
Almeria, $^{9}/_{16}$ of an inch.
Thompson Seedless and Black Monukka, $^{7}/_{16}$ of an inch.
Other varieties, $^{10}/_{16}$ of an inch.

(iv) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(a) 5 percent for bunches which fail to meet the requirements for minimum diameter of berries;

(b) 5 percent for bunches which weigh less than one-half pound;

(c) 10 percent for bunches which fail to meet the color requirements;

(d) 5 percent for bunches of the Almeria and Emperor varieties which fail to meet the requirements for maturity of stems and color of stems;

(e) 5 percent for bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity and uniformity of appearance, including not more than 3 percent for shattered berries and including not more

than 2 percent for berries which are seriously damaged: *Provided*, That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(*f*) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

(2) *U. S. Extra No. 1 Table Grapes.* U. S. Extra No. 1 Table Grapes consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are mature, fairly uniform in appearance and fairly well colored, except that grapes of the red varieties shall be reasonably well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, sunburn and Almeria Spot, and free from damage caused by scarring, discoloration, heat, mildew, other diseases, freezing, insects or mechanical or other means.

(i) *Bunches.* The bunches shall be fairly well filled but not excessively tight. They shall also be free from damage caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and they shall weigh not less than one-fourth pound.

(ii) *Stems.* The stems shall be well developed and strong, shall not be dry and brittle and shall be free from mold and free from damage caused by mildew or freezing. The Almeria variety shall have not less than 50 percent of the bunches with stems which are mature. The Emperor variety shall have not less than 50 percent of the bunches with stems which are mature and distinctly yellowish-green or yellow at time of packing.

(iii) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of shot berries and dried berries, on each bunch shall have a minimum diameter as indicated for varieties as follows:

Ribier and Cardinal, 13/16 of an inch.
Tokay, 11/16 of an inch.
Almeria, 9/16 of an inch.
Thompson Seedless and Black Monukka, 7/16 of an inch.
Other varieties, 10/16 of an inch.

(iv) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) 5 percent for bunches which fail to meet the requirements for minimum diameter of berries;

(*b*) 10 percent for bunches which fail to meet the color requirements;

(*c*) For the Almeria and Emperor varieties, individual containers may have not more than a total of 10 percent less than the required percentage of bunches which meet the requirements for maturity of stems and color of stems: *Provided*, That the entire lot averages within the required percentage;

(*d*) 8 percent for bunches which weigh less than one-fourth pound and bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity and uniformity of appearance, including not more than 5 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided*, That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(*e*) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

(3) *U. S. No. 1 Table Grapes.* U. S. No. 1 Table Grapes consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are mature and fairly well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, more than slightly shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, and sunburn, and free from damage caused by scarring, discoloration, heat, Almeria Spot, mildew, other diseases, freezing, insects or mechanical or other means.

(i) *Bunches.* The bunches shall not be straggly. They shall be free from damage caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and they shall weigh not less than one-fourth pound.

(ii) *Stems.* The stems shall not be weak or dry and brittle and shall be free from mold and free from damage caused by mildew or freezing.

(iii) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) 10 percent for bunches which fail to meet the color requirements;

(*b*) 10 percent for bunches which weigh less than one-fourth pound and bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity, including not more than 5 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided*, That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(*c*) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

(b) *Unclassified.* Unclassified consists of grapes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Application of tolerances to individual packages.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade.

(2) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified.

(3) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that for shattered berries and wet berries not more than one-tenth of the packages may contain more than double the tolerance specified.

(d) *Definitions.* (1) "Well developed grapes" means grapes which are not abnormally small for the variety.

(2) "One variety" means that the grapes show similar varietal characteristics. However, grapes in special packs of two or more varieties, when designated as "assorted varieties," need not meet this requirement.

(3) "Well matured" means that the juice from 10 percent, by weight, of whole bunches of grapes in the container, which appear to be least mature, shall test not less than 17 percent soluble solids, as determined by the Balling or Brix scale hydrometer, except that the Tokay variety shall test not less than 18 percent, the Thompson Seedless variety shall test not less than 19 percent, the Malaga and Muscat varieties shall test not less than 20 percent.

(4) "Fairly uniform in appearance" means that not more than one-tenth of the containers in any lot may show sufficient variation in color or size of berries to materially detract from the appearance of the contents of the individual container.

(5) "Well colored" means in the case of:

(i) Black varieties that each bunch shall have not less than 95 percent, by count, of berries showing characteristic color. Purple to black shall be considered characteristic color for the varieties Malvoise, Rose of Peru, Black Prince and Black Hamburg; reddish-purple to black shall be considered characteristic color for Cornichon and Black Monukka. Ribier grape berries shall be considered as showing characteristic color when at least 60 percent of the surface is purple to black color, not reddish-purple.

(ii) Red varieties that each bunch of the Tokay variety shall have not less than 60 percent, by count, and other red varieties shall have not less than 75 percent, by count, of berries which show at least 60 percent of the surface with good characteristic color: *Provided*, That the appearance of the bunch shall not be appreciably injured by very dark berries. Light or cherry red and dark red, but not light pink or very dark or purplish-red, are considered good characteristic color for the red varieties, excepting that any color ranging from light red through purple shall be considered good characteristic color for the Cardinal variety.

(iii) White varieties. There are no color requirements for the white varieties.

(6) "Firm" means that the berry is reasonably turgid and does not yield more than slightly to moderate pressure.

(7) "Weak" means that the berry is relatively low in sugar content, has inferior flavor and usually is watery, translucent and somewhat soft to the touch.

(8) "Shriveled at capstems" means that the berry shows more than slight wrinkling of the skin surrounding the capstem.

(9) "Shattered" means that the berry is separated from the bunch, and may or may not have the capstem attached.

(10) "Wet" means that the grapes are wet from moisture from crushed, leaking or decayed berries or from rain. Grapes which are moist from dew or other moisture condensation such as that resulting from removing grapes from a refrigerator car or cold storage to a warmer location shall not be considered as wet.

(11) "Decay" means any soft breakdown of the flesh or skin of the berry resulting from bacterial or fungus infection. Slight surface development of green mold (Cladosporium) shall not be considered decay.

(12) "Waterberry" means a watery, soft or flabby condition of the berries. Affected berries are low in sugar content, have tender skins and are easily crushed. This is an advanced or more pronounced stage of the condition referred to as "weak."

(13) "Sunburn" means injury to the berry caused by direct exposure to the sun, including "sulphur burn," occurring as a sunken, and usually discolored and dried area on the exposed surface.

(14) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual berry, the appearance of the bunch as a whole, or the shipping quality of the stems.

(i) Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage to the individual berry:

(a) Scarring such as that caused by thrip, mildew, rubs and similar injuries when materially affecting the appearance of the berry.

(b) Discoloration, when any light brown, tan or darker discoloration of the skin materially affects the appearance of the berry: *Provided*, That "sunkissed" berries of the white Malaga variety which show discoloration of amber or light brown color shall not be considered as damaged. "Buckskin" berries of the Tokay variety, and similar injury to other varieties, shall be considered as damaged by discoloration.

(c) Heat, when the flesh of the berry is affected.

(d) Almeria Spot, when any spot is distinctly sunken or dark in color.

(e) Mildew, when active powdery mildew is present.

(f) Freezing, when the berry is frozen or when the flesh of the berry is affected by freezing.

(g) Insects, when any insect is present or there is visible evidence of insect injury; when mealybug residue or aphis honeydew are present; or when the appearance is materially affected by the presence of leafhopper residue.

(ii) The following shall be considered as damage to stems:

(a) Mildew, when active powdery mildew is present on the stems, or when scars caused by this disease constrict or weaken any part of the main or lateral stems.

(b) Freezing, when the stems are frozen or the capstems are swollen or dried, or when the main or lateral stems are watersoaked and limp, or dried, as a result of freezing.

(15) "Fairly well filled" means that the berries are reasonably closely spaced on main and lateral stems and that the bunch is not very loose or stringy.

(16) "Excessively tight" means that the berries are so closely wedged together that, when the stem is fresh, the bunch is solid and the appearance is materially affected by berries on the lower portions being distinctly distorted from normal shape.

(17) "Injury to the bunch" means any defect which more than slightly affects the appearance of the bunch.

(18) "Shot berries" means very small berries resulting from insufficient pollination, usually seedless in those varieties which normally develop seeds. These berries may be entirely green and hard and are designated as "immature shot berries." They may mature and color uniformly with the normal berries on the bunch and are then designated as "mature shot berries."

(19) "Dried berries" means berries which are dry and shriveled to the extent that practically no moisture is present.

(20) "Well developed and strong" means that the main and lateral stems are firm, fibrous and pliable; not distinctly immature or spindly or threadlike at time of packing.

(21) "Diameter" means the greatest dimension of the berry taken at right angles to a line running from the stem to the blossom end.

(22) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the grapes and includes berries which are split, crushed, wet, affected by decay or waterberry, or damaged by heat or freezing, except that raisining grapes that are cracked or split, and grapes which show healed cracks at the blossom end, shall not be considered as seriously damaged.

(23) "Mature" means that the juice from 10 percent, by weight, of whole bunches of grapes in the container, which appear to be least mature, shall test not less than 17 percent soluble solids, as determined by the Balling or Brix scale hydrometer, except that the varieties Emperor, Gros Colman, Pierce Isabella, Olivette Blanche, Rish Baba, Red Malaga, Cardinal, Ribier, Khalili, Dizmar and varieties similar to or synonymous with the above, shall test not less than 16 percent, and except that Muscat varieties shall test not less than 18 percent.

(24) "Fairly well colored" means in the case of:

(i) Black varieties that each bunch shall have not less than 65 percent, by count, of berries showing characteristic color, except that in the varieties Ribier, Rose of Peru, Black Prince, Black Hamburg and Black Monukka each bunch shall have not less than 75 percent, by count, of berries showing characteristic color. Purple to black shall be considered characteristic color for the varieties Malvoise, Rose of Peru, Black Prince and Black Hamburg; reddish-purple to black shall be considered characteristic color for Cornichon and Black Monukka. Ribier grape berries shall be considered as showing characteristic color when at least 60 percent of the surface is purple to black color, not reddish-purple.

(ii) Red varieties that each bunch of the Tokay variety shall have not less than 45 percent, by count, and other red varieties shall have not less than 60 percent, by count, of berries which show at least 60 percent of the surface with characteristic color. Light pink, red, dark red or purple are considered characteristic color for the red varieties. (There are no color requirements for the Pink Thompson Seedless variety, Sultanina Rose).

(iii) White varieties. There are no color requirements for the white varieties.

(25) "Reasonably well colored" applies to the red varieties and means that each bunch of the Tokay variety shall have not less than 55 percent, by count, and other varieties shall have not less than 60 percent, by count, of berries which show at least 60 percent of the surface light pink, red or dark red, but not very dark or purplish-red: *Provided*, That the appearance of the bunch shall not be appreciably injured by very dark berries, except that any color ranging from light pink through purple shall be permitted for the Cardinal variety.

(26) "Slightly shriveled at capstems" means that the skin of the berry is definitely wrinkled adjacent to the capstem and the surface is materially sunken.

(27) "Straggly" means that the berries are so widely spaced on main and lateral stems that the bunch is distinctly open or very stemmy or stringy in structure.

(e) *Effective time.* The United States Standards for Table Grapes (European or Vinifera type) contained in this section and which supersede the United States Standards for Table Grapes (11 F. R. 13568) effective July 20, 1939, shall become effective ten (10) days after the date of publication in the FEDERAL REGISTER.

It is hereby found that it is impractical, unnecessary, and contrary to the public interest to postpone the effective date of these standards until 30 days after publication hereof in the FEDERAL REGISTER because the packing season for table grapes has already commenced and it is in the public interest that the standards be in effect as soon as possible; and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(Sec. 205, 60 Stat. 1090, Pub. Law 135, 82d Cong.; 7 U. S. C. 1624)

Done at Washington, D. C., this 24th day of June 1952.

[SEAL] GEORGE A. DICK,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-7180; Filed, June 27, 1952; 9:00 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 905—MILK IN OKLAHOMA CITY, OKLAHOMA, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 905.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective not later than July 1, 1952. This action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Accordingly, any further delay in the effective date of this order amending the order, as amended, will seriously impair orderly marketing of milk in the Oklahoma City, Oklahoma, marketing area. The provisions of the said amendatory order are well known to handlers—the public hearing having been held March 3–4, 1952, and the decision having been executed by the Secretary on June 17, 1952. Reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecesary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (See section 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237; 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Oklahoma City, Oklahoma, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who, during the determined representative period (April 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Oklahoma City, Oklahoma, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 905.51 (a) and substitute therefor the following:

(a) *Class I milk.* The basic formula price plus $1.70 during the months of April, May, and June and plus $1.90 during all other months: *Provided*, That for each of the months of September, October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May, and June such price shall be not more than that for the preceding month. To this price add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk (excluding interhandler transfers and sales by producer-handlers and handlers partially exempt from this subpart pursuant to § 905.61) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage;

(2) Compute a "net utilization percentage" by algebraically subtracting from the Class I utilization percentage computed pursuant to subparagraph (1) of this paragraph, the standard utilization percentage shown below:

Month for which price applies	Months used in computation	Standard utilization percentage
January	November-December	110
February	December-January	114
March	January-February	118
April	February-March	120
May	March-April	124
June	April-May	127
July	May-June	132
August	June-July	131
September	July-August	127
October	August-September	116
November	September-October	108
December	October-November	107

(3) For each minus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be increased 3 cents in January, February, March, July, and August; 2 cents in April, May, and June; 4 cents in September, October, November, and December; and for each plus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be decreased 3 cents in January, February, March, July, and August; 4 cents in April, May, and June; and 2 cents in September, October, November, and December: *Provided*, That in no event shall an adjustment made pursuant to this subparagraph exceed 50 cents per hundredweight.

2. Amend § 905.22 (j) (1) to read as follows:

(1) On or before the 10th day of each month the minimum price for Class I milk computed pursuant to § 905.51 (a) and the Class I butterfat differential computed pursuant to § 905.52 (a) both for the current month; and on or before the 5th day of each month the minimum price for Class II milk pursuant to § 905.51 (b) and the Class II butterfat differential computed pursuant to § 905.52 (b), both for the previous month; and

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of June 1952 to be effective on and after the 1st day of July 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7132; Filed, June 27, 1952; 9:00 a. m.]

[Docket No. AO 212-A4]

PART 907—MILK IN MILWAUKEE, WIS., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 907.0 *Findings and determinations.* The findings and determinations here-

inafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective on July 1, 1952. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Any further delay in the effective date of this order amending the order, as amended, will seriously impair the orderly marketing of milk in the Milwaukee marketing area. The provisions of the said amendatory order are well known to handlers and producers, the public hearing having been on May 19–20, 1952, and a decision containing such provisions having been issued June 13, 1952. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be contrary to the public interest to delay the effective date of this amendatory order for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations or producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who, during the determined representative period, (March 1952) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 907.14 and substitute therefor the following:

§ 907.14 *Other source milk.* "Other source milk" means all milk and milk products, except packaged butter, packaged cottage cheese, and other products already packaged or processed when received by the handler, other than producer milk or receipts from other handlers.

2. Delete § 907.41 (d) (3) and substitute therefor the following:

(3) Actual shrinkage but not to exceed 2½ percent of the total pounds of butterfat in producer milk and actual shrinkage of butterfat in other source milk (including in each instance that computed pursuant to § 907.42 (b)).

3. Delete § 907.42 (b) and substitute therefor the following:

(b) Prorate the resulting amount among the receipts of butterfat in producer milk, other source milk, and receipts (excluding milk or milk products in packaged form and not reprocessed by the receiving handler) from other handlers in accordance with the total volumes of butterfat received from each such source.

4. Delete § 907.46 (c) (1) and substitute therefor the following:

(1) Convert to pounds on the basis of 2.15 pounds per quart (in the case of non-concentrated flavored milk and flavored milk drinks 2.0 pounds per quart) the volume disposed of as each of the several items of Class I milk, except in the case of converting milk, flavored milk or flavored milk drinks in concentrated form such conversion shall apply to the volume of milk used in the production of the concentrated product rather than to the volume of finished product: *Provided*, That if a satisfactory record of the volume of milk used in the production of the concentrated product is not available, the 3.5 percent milk equivalent of the volume of butterfat in the finished product shall be used for the purposes of this paragraph;

5. Delete § 907.51 (a) and (b) and substitute therefor the following:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts as indicated: May and June, $0.56; July through November, inclusive, $1.06; all other months, $0.76: *Provided*, That such class I price differential shall be increased or decreased, respectively, 3 cents for each full percent that the current supply-demand ratio computed pursuant to paragraph (e) of this section is greater or less than 72 percent.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amounts as indicated: May and June, $0.40; July through November, inclusive, $0.70; all other months, $0.50: *Provided*, That such Class II price differential shall be adjusted by the amount of any adjustment made in the Class I price differential for the same month pursuant to the proviso of paragraph (a) of this section.

6. Delete § 907.51 (e) and substitute therefor the following:

(e) *Automatic price adjustment.* On or before the last day of each month the market administrator shall make the following computations based upon the reported receipts and utilization of handlers as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, as computed by the market administrator under the latter order:

(1) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 12-month period.

(2) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 12-month period and subtract therefrom the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 12-month period.

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio".

(4) In making the computations specified in subparagraphs (1) and (2) of this paragraph, the market administrator shall use the reported receipts and

utilization of handlers of Grade A milk under both Order 41 and former Order 69 (Suburban Chicago, Illinois, marketing area) when it is necessary to use data for months prior to July 1, 1952.

7. Delete § 907.60 (b) and substitute therefor the following:

(b) Any producer entering the market following twelve or more consecutive months without producer status, shall have his milk deliveries considered as non-base milk for the first April–June period (or any part thereof) following his qualification as a producer; or upon notifying the market administrator prior to April 1 next following such qualification as a producer, he may elect to have a base computed in the manner provided in paragraph (a) of this section with respect to his deliveries of milk to any fluid milk plant, receiving station, or non-fluid plant, such deliveries to be subject to verification by the market administrator: *Provided*, That this paragraph shall not be construed to conflict with § 907.61 (a) or (b).

8. Delete § 907.61 (e) and substitute therefor the following:

(e) The market administrator on or before March 1 shall notify each handler of the base (computed pursuant to § 907.60) of each of the producers delivering to his plant(s): *Provided*, That this shall not preclude the market administrator from notifying any producer (or a cooperative association if such producer is a member) of the producer's base.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 26th day of June 1952, to be effective on and after the 1st day of July 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7154; Filed, June 27, 1952; 9:01 a. m.]

PART 927—MILK IN NEW YORK METROPOLITAN MARKETING AREA

SUBPART—RULES AND REGULATIONS

Pursuant to provisions of § 927.36 of Order No. 27, as amended (7 CFR Part 927), regulating the handling of milk in the New York metropolitan milk marketing area, and of the Administrative Procedure Act (5 U. S. C., 1001 et seq.), a public meeting was held at New York, New York, on April 30, 1952 to consider proposals for the amendment of the rules and regulations heretofore issued (7 CFR 927.101 et seq.) pursuant to said order. Notice of said public meeting was issued on April 4, 1952, and published in the FEDERAL REGISTER on April 19, 1952 (17 F. R. 3499).

After due consideration of the data, views, and arguments presented by interested parties at such public meeting, the rules and regulations as heretofore amended are hereby further amended, subject to the approval of the Secretary of Agriculture to read as follows:

DEFINITIONS

PROCEDURE FOR ACCOUNTING FOR THE RECEIPT AND DISPOSITION OF BUTTERFAT AND PLANT LOSS

ASSIGNMENT OF POOLED, NON-POOLED, AND EXEMPT BUTTERFAT AND SKIM MILK TO BUTTERFAT CLASSES AND SKIM MILK USES

METHOD OF INVENTORY ACCOUNTING

CONVERSION FACTORS

METHODS OF DETERMINING BUTTERFAT IN SPECIFIC PRODUCTS

BUTTERFAT IN BY-PRODUCTS

ASSIGNMENT OF SPECIFIC BUTTERFAT RECEIVED OR IN THE OPENING INVENTORIES IN THE FORM OF FROZEN CREAM TO THE USES OF BUTTERFAT IN THE FORM OF FROZEN CREAM AT THE PLANT

AUTHORITY: §§ 927.100 to 927.275 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

DEFINITIONS

§ 927.100 *Definitions.* The terms used in this subpart shall have the same definitions as are set forth in the orders. In addition, for the purpose only of classifying and accounting for milk under the terms of the Orders, other terms shall have the meanings set forth in §§ 927.101 through 927.128.

§ 927.101 *Orders.* "The orders" means Order No. 27 as amended, issued by the Secretary, and revised official Order No. 126 as amended, issued by the Commissioner.

§ 927.102 *Pooled.* The term "pooled," when used in conjunction with milk, butterfat, skim milk, or other dairy product, means that the butterfat in such product or the skim milk in such product was at some time received from producers in the form of milk at a pool plant.

§ 927.103 *Exempt.* The term "exempt," when used in conjunction with milk, butterfat, skim milk, or other dairy product, means that the milk equivalent of the butterfat in such product or the skim milk in such product is exempt from the computation of the uniform price, pursuant to § 927.60.

§ 927.104 *Non-pooled.* The term "non-pooled," when used in conjunction with milk, butterfat, skim milk, or other dairy product, means that the butterfat in such product or the skim milk in such product was at no time received from producers in the form of milk at a pool plant.

§ 927.105 *Milk.* "Milk" means (a) the product delivered to a plant by dairy farmers as cow's milk, or (b) the product composed of skim milk and of not less than 3.0 percent nor more than 15 percent butterfat. This definition shall not be deemed to include products that are included in other definitions.

§ 927.106 *Skim milk.* "Skim milk" means all parts of milk as defined in § 927.105 (a) except butterfat.

§ 927.107 *Fluid skim milk.* "Fluid skim milk" means the product consisting principally of uncondensed skim milk, including buttermilk obtained from churning, and containing less than 3.0 percent butterfat.

§ 927.108 *Cultured or flavored milk drink.* "Cultured or flavored milk drink" means a flavored or cultured beverage containing milk or skim milk but not more than 15 percent butterfat, or the mixture from which such product is made.

§ 927.109 *Cream.* "Cream" means the combination of butterfat and skim milk which contains more than 15 percent butterfat, and which may or may not have been fermented by the addition of a lactic acid or other harmless milk culture. This definition shall not be deemed to include products that are included in other definitions. In §§ 927.140 through 927.220, when the fermented cream is referred to, the term "sour cream" will be used.

§ 927.110 *Frozen cream.* "Frozen cream" (sometimes referred to as storage cream), means pooled cream which has met the requirements necessary for the classification of the milk equivalent of such cream as Class III frozen cream pursuant to § 927.37 (e) (2) of the Orders: *Provided*, That, for the purposes only of accounting for the butterfat in these rules and regulations such terms shall also mean non-pooled cream assigned to cream reported pursuant to § 927.52, and which meets the requirements of § 927.37 (e) (2) as a basis of classification for pooled milk.

§ 927.111 *Concentrated fluid milk; plain condensed milk.* "Concentrated fluid milk" and "plain condensed milk" mean the unsterilized product resulting from the evaporation of water from milk which products contain not less than 5.0 percent butterfat, not less than 20 percent total milk solids, and not less than 5.0 percent moisture. They may or may not contain sugar or other sweetening agents, but such sugar or other sweetening agents shall be equivalent to less than 38 percent sugar or equivalent sweetening agents. Other milk products may be added during the process of manufacture.

§ 927.112 *Evaporated milk.* "Evaporated milk" means the product resulting from the evaporation of water from milk which product contains not less than 7.9 percent butterfat and not less than 25.9 percent total milk solids, and which product is packed in hermetically-sealed cans. Other milk products, stabilizer, or vitamin D may be added during the process of manufacture. Failure to meet the minimum percentages set forth herein by an amount not to exceed 2.0 percent of the percentages set forth herein shall not disqualify a product from meeting this definition.

§ 927.113 *Sweetened condensed milk.* "Sweetened condensed milk" means the product resulting from the evaporation of water from milk or plain condensed milk and the addition of sugar or other sweetening agent. It shall contain not less than 8.0 percent butterfat, 28 percent total milk solids, and 38 percent sugar or equivalent sweetening agent. Other milk products may be added during the process of manufacture.

§ 927.114 *Condensed by-product.* "Condensed by-product" means the product resulting from the evaporation of at least 50 percent of the water from fluid skim milk, with or without the addition of other products. This definition includes but is not limited to the products known as condensed skim milk, sweetened condensed skim milk, and condensed buttermilk.

§ 927.115 *Milk powder.* "Milk powder" means the product which results from the removal of water from milk, cream, plain condensed milk, or fluid skim milk, with or without the addition of other products, and which contains not less than 10 percent butterfat, not more than 5.0 percent moisture, and not more than 5.0 percent solids not milk solids.

§ 927.116 *Other concentrated milk products.* "Other concentrated milk products" means the products named and described as follows:

(a) Malted milk products, products which are made by combining milk of other products containing butterfat with liquids separated from mash or ground barley malt and wheat flour, with or without the addition of other products, and by removing water. They shall contain not more than 40 percent moisture and not more than 15 percent butterfat.

(b) Ice cream powder, the product containing milk solids, sugar (or other sweetening agent), and other ingredients, prepared for use in making frozen desserts. It shall contain not less than 26 percent butterfat and not more than 5.0 percent moisture.

(c) Sweetened, part skim, condensed milk, the product resulting from the evaporation of water from milk or plain condensed milk and the addition of sugar or other sweetening agent. It shall contain not less than 5.0 percent but less than 8.0 percent butterfat, not less than 28 percent total milk solids and not less than 38 percent sugar or equivalent sweetening agent. Other milk products may be added during the process of manufacture.

(d) The product which meets all the requirements of evaporated milk as set forth in § 927.112 with the exception that other vitamins and minerals not to exceed 0.5 percent of the total weight of the product may be added during the process of manufacture.

§ 927.117 *Powdered by-product.* "Powdered by-product" means a product which results from the removal of water from fluid skim milk or a condensed by-product and which contains less than 10 percent butterfat and not more than 5.0 percent moisture. This definition includes but is not limited to products known as non-fat dry milk solids and dried buttermilk.

§ 927.118 *Cheese.* "Cheese" means the product made from the separated curd obtained by coagulating the casein of milk, fluid skim milk, or cream.

§ 927.119 *Cheddar cheese; American Cheddar cheese; Colby cheese; washed curd cheese; part skim Cheddar cheese.* "Cheddar cheese," "American Cheddar cheese," "Colby cheese," "washed curd cheese," and "part skim Cheddar cheese," means those cheeses manufactured for sale under one of these names and made from milk or fluid skim milk by the Cheddar, Colby, or washed curd process.

§ 927.120 *Cream cheese.* "Cream cheese" means cheese manufactured for sale under the name of "cream cheese," "neufchatel cheese," "cream cheese curd," or as a cheese with a cream cheese or neufchatel cheese base and made by the cream cheese or neufchatel process. The curd shall contain not less than 20 percent butterfat and the cheese may have non-milk products added but may not have other cheeses added. Failure to meet the minimum percentage set forth in this subpart by an amount not to exceed 2.0 percent of the percentage set forth herein shall not disqualify a product from meeting this definition.

§ 927.121 *Frozen desserts.* "Frozen desserts" means those products commonly known as ice cream, frozen custard, sherbet, and frozen confections such as, but not restricted to, Bisque Tortoni, Spumoni, creamsicles, fudgicles, popsicles, mousses, parfaits, puddings (such as Nesselrode puddings), and decorations for the frozen desserts, but not including products properly known as candy.

§ 927.122 *Homogenized mixture.* "Homogenized mixture" means the product which results from homogenizing a mixture containing milk solids, moisture, and sugar (or other sweetening agent) or other ingredients, and which is prepared for use in the manufacture of frozen desserts. It shall contain not less than 5.0 percent sugar (or other sweetening agent) or other ingredients, and not less than 5.0 percent moisture.

§ 927.123 *Butter.* "Butter" means the product containing not less than 80 percent butterfat resulting from churning cream. Failure to meet this minimum percentage by an amount not to exceed 1.0 percent of such percentage shall not disqualify the product from meeting this definition.

§ 927.124 *Packaged; packaged in consumer packages.* The term "packaged" or "packaged in consumer packages" when used in conjunction with milk,

concentrated fluid milk, plain condensed milk, cultured or flavored milk drinks, cream or sour cream, means that such product is in a container of two quarts or less. These products in any other container will be referred to as bulk.

§ 927.125 *Fluid milk products.* "Fluid milk products" means products which meet the definition of milk as set forth in § 927.105, but to which are added ingredients other than those derived from milk, such ingredients not to exceed 4.0 percent. This definition shall not be deemed to include products that are included in other definitions.

§ 927.126 *Fluid cream products.* "Fluid cream products" means products containing less than 60 percent butterfat which meet the definition of cream as set forth in § 927.109, but to which are added ingredients other than those derived from milk, such ingredients not to exceed 4.0 percent, which products are not subsequently utilized in frozen desserts. This definition shall not be deemed to include products that are included in other definitions.

§ 927.127 *Reconstituted cream shipped to, or received in, or distributed in the marketing area.* "Reconstituted cream shipped to, received in, or distributed in the marketing area" means cream classified as Class II to which frozen cream has been assigned pursuant to §§ 927.165 and 927.166.

§ 927.128 *Whipped topping mixture.* "Whipped topping mixture" means a product which results from the mixture of milk solids, moisture, sugar or other sweetening agents, flavor and stabilizer, and which is used for distribution packaged with harmless gas causing it to fluff upon ejection from the package or container. The ingredients contained therein other than those derived from milk must exceed 4.0 percent.

PROCEDURE FOR ACCOUNTING FOR THE RECEIPT AND DISPOSITION OF BUTTERFAT, AND PLANT LOSS

§ 927.140 *Method.* Milk shall be classified and accounted for on a monthly basis in accordance with the form in which the butterfat from such milk is held at or moved from the plant at which classification is to be determined pursuant to § 927.33. Before classifying milk the butterfat in milk shall be accounted for in accordance with provisions of §§ 927.141 through 927.182 and shall be classified in the same classes as the milk equivalent of such butterfat is required, pursuant to §§ 927.30 through 927.37, to be classified. Any deductions or additions required in any section shall be made to the result obtained after all additions or deductions required in the preceding sections have been made.

§ 927.141 *Butterfat to be accounted for.* Tabulate the total pounds of butterfat in the opening inventories in each product and received at the plant in each product. Butterfat should be shown separately in packaged and bulk forms. The total of all butterfat so tabulated shall be known as the total butterfat to be accounted for.

§ 927.142 *Butterfat accounted for.* Tabulate and classify the butterfat in each product on hand at or leaving the plant. Such tabulation should show separately the butterfat in each product leaving the plant and in the closing inventories at the plant. In the event that the butterfat in the product might be classified in more than one class, the tabulation should be further subdivided to show the quantity of butterfat in each class. The tabulation should be further subdivided to show the quantity of butterfat in the packaged product and in the bulk product. The total of the butterfat tabulated in this subpart shall be known as the butterfat accounted for at the plant.

§ 927.143 *Butterfat loss and excess.* Subtract the total butterfat accounted for from the total butterfat to be accounted for at the plant. The remainder shall be known as the plant loss. In the event that the total butterfat accounted for at the plant is greater than the total butterfat to be accounted for the excess butterfat shall be accounted for as follows:

(a) If the plant is in the marketing area, the excess shall be considered to have been received in the form of cream from an undisclosed source: *Provided*, That, if such excess is an excess of milk it shall be considered to have been received in the form of milk from an undisclosed source. Such excess, other than an excess of milk, shall be assigned as far as possible to butterfat leaving the plant in the form of frozen desserts, homogenized mixtures or cream cheese. Any excesses not so assigned shall be subject to the payments required in § 927.78 (b) (3).

(b) If the plant is a pool plant outside the marketing area, the excess shall be considered to have been received in the form of milk from products and such excess shall be classified and paid for without equalization from the pool.

(c) If the plant is a non-pool plant outside the marketing area, the excess shall be considered to have been received in the form of the product or products leaving or on hand at the plant which yield the lowest net return to producers, after deduction of butterfat in the opening inventories or received at the plant in like form.

§ 927.144 *Miscellaneous products: Step One.* Deduct butterfat in opening inventories or received in forms other than milk, cultured or flavored milk drinks, cream, sour cream, concentrated fluid milk, plain condensed milk from butterfat leaving the plant or in the closing inventories at the plant in like forms to the extent possible. If such butterfat is pooled butterfat and is received in the form of fluid milk products or fluid cream products, it should be deducted, as far as possible, from Class I–A or Class II, as the case may be. If such butterfat is non-pooled butterfat and is received in the form of fluid milk products or fluid cream products, it should be deducted pro rata, as far as possible, from Class I–B, Class I–C, or from Class III.

§ 927.145 *Cheese; opening inventory and receipts.* Deduct remaining butterfat in the opening inventories or received in the form of cheese from butterfat leaving the plant or in the closing inventories at the plant in the form of other cheese, to the extent that such opening inventories or receipts of cheese are used in the manufacture of such other cheese.

§ 927.146 *Miscellaneous products: Step Two.* Deduct remaining butterfat in the opening inventories or received in forms other than milk, cultured or flavored milk drinks, cream, sour cream, frozen cream, concentrated fluid milk, plain condensed milk, sweetened condensed milk, milk powder, other concentrated milk products, and butter from butterfat in products leaving the plant or in the closing inventories at the plant in which the handler claims to have used such butterfat. Deduct any remaining butterfat in the opening inventories or received in such forms from plant loss.

§ 927.147 *Cream: Step One.* Deduct butterfat in the opening inventories of packaged cream or sour cream from butterfat leaving the plant or in the closing inventories at the plant in accordance with § 927.220.

§ 927.148 *Cream: Step Two.* Deduct butterfat received in the form of packaged cream pro rata from butterfat leaving the plant or in the closing inventories at the plant in the form of packaged cream.

§ 927.149 *Cream: Step Three.* Deduct butterfat received in the form of packaged sour cream from butterfat leaving the plant or in the closing inventories at the plant in the form of packaged sour cream. If such butterfat is pooled butterfat, it should be deducted, as far as possible, from Class II packaged sour cream and then pro rata from other classes of packaged sour cream. If such butterfat is nonpooled butterfat, it should be deducted pro rata, as far as possible, from packaged sour cream other than Class II packaged sour cream.

927.150 *Milk drinks: Step One.* Deduct butterfat in the opening inventories in the form of cultured or flavored milk drinks of less than 3.0 percent or more than 5.0 percent butterfat from butterfat in cultured or flavored milk drinks of less than 3.0 percent or more than 5.0 percent butterfat leaving the plant or in the closing inventories at the plant in accordance with § 927.220.

§ 927.151 *Milk drinks: Step Two.* Deduct butterfat received in the form of cultured or flavored milk drinks of less than 3.0 percent or more than 5.0 percent butterfat from butterfat in cultured or flavored milk drinks of less than 3.0 percent or more than 5.0 percent butterfat leaving the plant or in closing inventories at the plant. If such butterfat is pooled butterfat, it should be deducted, as far as possible, from butterfat in cultured or flavored milk drinks of less than 3.0 percent or more than 5.0 percent butterfat classified as Class II. If such butterfat is non-pooled butterfat, it should be deducted, as far as possible, from butterfat in cultured or flavored

milk drinks of less than 3.0 percent or more than 5.0 percent butterfat classified as Class III. Deduct remaining butterfat in the opening inventories or received in the form of cultured or flavored milk drinks of less than 3.0 percent or more than 5.0 percent from butterfat in products in which the handler claims to have used such butterfat. Deduct any remaining butterfat in opening inventories or received in the form of cultured or flavored milk drinks of less than 3.0 percent or more than 5.0 percent butterfat from plant loss and classify it as Class II.

§ 927.152 *Concentrated fluid milk: Step One.* Deduct butterfat in the opening inventories of packaged concentrated fluid milk or packaged plain condensed milk from butterfat leaving the plant or in the closing inventories at the plant in accordance with § 927.220.

§ 927.153 *Concentrated fluid milk: Step Two.* Deduct butterfat received in the form of packaged concentrated fluid milk or packaged plain condensed milk pro rata from butterfat leaving the plant or in the closing inventories at the plant in the form of packaged concentrated fluid milk or packaged plain condensed milk.

§ 927.154 *Plant loss allowance; second process.* Add to the remaining butterfat in each class leaving the plant or in the closing inventories at the plant in the form of:

(a) Packaged cream, 2.5 percent;
(b) Packaged sour cream, 2.5 percent;
(c) Frozen desserts or homogenized mixtures, 3.0 percent;
(d) Cream cheese, 5.0 percent;
(e) Butter, 3.0 percent;
(f) Whipped topping mixture packed under pressure, 2.5 percent;
(g) Packaged concentrated fluid milk or packaged plain condensed milk, 1.5 percent:

Provided, That, if such additions are greater than the remaining plant loss, they shall be reduced pro rata to the point where they are equal to the remaining plant loss. Such additions shall be deducted from the remaining plant loss.

§ 927.155 *Miscellaneous products: Step Three.* Deduct remaining butterfat in the opening inventories or received in the form of butter, sweetened condensed milk, milk powder, or other concentrated milk products, pro rata from the remaining butterfat leaving the plant or in the closing inventories at the plant in the forms of frozen desserts, homogenized mixtures, ice cream powder, or candy products. Deduct any remaining butterfat in the opening inventories or received in such forms from butterfat in products in which the handler claims to have used such butterfat. Deduct any remaining butterfat in the opening inventories in such forms from plant loss.

§ 927.156 *Concentrated fluid milk: Step Three.* Deduct butterfat in the opening inventories of concentrated fluid milk or plain condensed milk from butterfat leaving the plant or in the closing inventories at the plant in accordance with § 927.220.

§ 927.157 *Concentrated fluid milk: Step Four.* Deduct butterfat received in the form of concentrated fluid milk or plain condensed milk pro rata from butterfat leaving the plant or in closing inventories at the plant in the form of concentrated fluid milk or plain condensed milk. Deduct any remaining butterfat received in the form of concentrated fluid milk or plain condensed milk pro rata from butterfat on hand at or leaving the plant in the form of frozen desserts, homogenized mixtures, evaporated milk, sweetened condensed milk, milk powder, other concentrated milk products or candy products. Deduct remaining butterfat received in the form of concentrated fluid milk or plain condensed milk from butterfat in products in which the handler claims to have used such butterfat. If any butterfat received in the form of concentrated fluid milk or plain condensed milk remains, it shall be deducted from plant loss.

§ 927.158 *Cream: Step Four.* Deduct butterfat in opening inventories of sour cream from butterfat leaving the plant or in the closing inventories at the plant in accordance with § 927.220.

§ 927.159 *Cream: Step Five.* Deduct butterfat received in the form of sour cream from butterfat leaving the plant or in the closing inventories at the plant in the form of sour cream. If such butterfat is pooled butterfat, it should be deducted, as far as possible, from Class II butterfat in sour cream and then pro rata from other classes of butterfat in sour cream. If such butterfat is non-pooled butterfat, it should be deducted pro rata, as far as possible, from butterfat in sour cream other than Class II sour cream.

§ 927.160 *Cream: Step Six.* Deduct remaining butterfat in the opening inventories or received in the form of sour cream from butterfat leaving the plant or in the closing inventories at the plant in cheese or butter, to the extent that the handler claims utilization of sour cream in the manufacture of such cheese or butter.

§ 927.161 *Cream: Step Seven.* Deduct any remaining butterfat in the opening inventories or received in the form of sour cream from plant loss and classify it as class II.

§ 927.162 *Plant loss allowance; frozen cream.* Deduct 3.0 percent of the remaining butterfat in the opening inventories or received in the form of frozen cream from plant loss: *Provided*, That, the amount so deducted shall not exceed the remaining plant loss.

§ 927.163 *Frozen cream: Step One.* Deduct remaining butterfat in the opening inventories or received in the form of frozen cream from butterfat leaving the plant or in the closing inventories at the plant in the form of sour cream classified as Class II to the extent possible.

§ 927.164 *Frozen cream: Step Two.* Deduct remaining butterfat in the opening inventories or received in the form of frozen cream pro rata from the remaining butterfat leaving the plant or in the closing inventories at the plant in the form of sour cream other than Class II, frozen desserts, homogenized mixtures, cream cheese, and to the extent that cream or frozen cream is used in the manufacture of such products, from butterfat leaving the plant or in the closing inventories at the plant in the form of concentrated fluid milk, plain condensed milk, evaporated milk, sweetened condensed milk, milk powder, other concentrated milk products, candy products, or other cheese, except those to which the butter-cheese adjustment is applicable.

§ 927.165 *Frozen cream: Step Three.* Deduct remaining butterfat in the opening inventories or received in the form of frozen cream pro rata from classes of butterfat leaving the plant or in closing inventories at the plant in cream, except Class II, and in Class III cultured or flavored milk drinks.

§ 927.166 *Frozen cream: Step Four.* Deduct any remaining butterfat in the opening inventories or received in the form of frozen cream pro rata from butterfat leaving the plant or in the closing inventories at the plant in Class II cream and Class II cultured or flavored milk drinks distributed in the marketing area.

§ 927.167 *Frozen cream: Step Five.* Deduct remaining butterfat in the opening inventories or received in the form of frozen cream from butterfat in products in which the handler claims to have used such butterfat. Deduct remaining butterfat in the opening inventories or received in the form of frozen cream from plant loss.

§ 927.168 *Plant loss allowance; sour cream.* Add to the remaining butterfat in each class leaving the plant or in the closing inventories at the plant in the form of sour cream, 2.0 percent: *Provided*, That, if such additions are greater than remaining plant loss, they shall be reduced pro rata to the point where they are equal to the remaining plant loss. Such additions shall be deducted from plant loss.

§ 927.169 *Cream: Step Eight.* Deduct the opening inventories of butterfat in cream from butterfat leaving the plant or in the closing inventories at the plant in accordance with § 927.220.

§ 927.170 *Cream: Step Nine.* Deduct butterfat received in the form of cream pro rata from remaining butterfat leaving the plant or in the closing inventories at the plant in the form of cream, sour cream, frozen cream, fluid cream products, Class II and Class III cultured or flavored milk drinks, frozen desserts, homogenized mixtures, cream cheese, butter, and, to the extent that cream or frozen cream is used in the manufacture of such products, from butterfat leaving the plant or in the closing inventories at the plant in the form of milk, concentrated fluid milk, plain condensed milk, evaporated milk, sweetened condensed milk, milk powder, other concentrated milk products, candy products, or other

cheese, except those to which the butter-cheese adjustment is applicable.

§ 927.171 *Cream: Step Ten.* Deduct remaining butterfat received in the form of cream from butterfat in products in which the handler claims to have used such butterfat. If any butterfat received in the form of cream remains, it shall be deducted from plant loss and classified as Class II.

§ 927.172 *Milk drinks: Step Three.* Deduct butterfat in opening inventories of packaged cultured or flavored milk drinks of 3.0 percent butterfat or more but not more than 5.0 percent butterfat from butterfat leaving the plant or in the closing inventories at the plant in accordance with § 927.220.

§ 927.173 *Milk drinks: Step Four.* Deduct butterfat received in the form of packaged cultured or flavored milk drinks of 3.0 percent butterfat or more but not more than 5.0 percent butterfat from butterfat leaving the plant or in the closing inventories at the plant in the form of packaged cultured or flavored milk drinks of 3.0 percent butterfat or more but not more than 5.0 percent butterfat. If such butterfat is pooled butterfat, it should be deducted, as far as possible, from Class I–A butterfat. If such butterfat is non-pooled butterfat, it should be deducted, as far as possible, pro rata from Class I–B and Class I–C butterfat. Deduct remaining butterfat in the opening inventories or received in the form of cultured or flavored milk drinks containing 3.0 percent butterfat or more but not more than 5.0 percent butterfat from products in which the handler claims to have used such butterfat.

§ 927.174 *Milk: Step One.* Deduct butterfat in the opening inventories in the form of packaged milk from the butterfat leaving the plant or in the closing inventories at the plant in accordance with § 927.220.

§ 927.175 *Milk: Step Two.* Deduct receipts of packaged milk pro rata from butterfat leaving the plant or in the closing inventories at the plant in the form of packaged milk.

§ 927.176 *Plant loss allowance: first process.* Add to the remaining butterfat leaving the plant or in the closing inventories at the plant in the form of:

(a) Packaged milk, 1.5 percent;

(b) Packaged Class I–A, I–B, I–C cultured or flavored milk drinks, 1.5 percent;

(c) Cream, 2.5 percent;

(d) Sour cream, 2.5 percent;

(e) Frozen cream, 2.5 percent;

(f) Concentrated fluid milk or plain condensed milk, 2.5 percent;

(g) Frozen desserts and homogenized mixtures, 2.5 percent;

(h) Evaporated milk, 2.5 percent;

(i) Sweetened condensed milk, 2.5 percent;

(j) Milk powder, 4.0 percent;

(k) Sweetened, part skim, condensed milk, 2.5 percent;

(l) Ice cream powder, 4.0 percent;

(m) Cream cheese, 2.5 percent;

(n) Butter, 2.5 percent;

(o) Fluid cream products, 2.5 percent;

(p) Cottage cheese with cream added, 2.5 percent;

(q) Whipped topping mixture, 2.5 percent;

Provided, That, if such additions are greater than the remaining plant loss, they shall be reduced pro rata to the point where they are equal to the plant loss. Deduct such additions from the plant loss.

§ 927.177 *Milk drinks: Step Five.* Deduct remaining butterfat in the opening inventories of cultured or flavored milk drinks of 3.0 percent butterfat or more but not more than 5.0 percent butterfat from butterfat leaving the plant or in the closing inventories at the plant in accordance with § 927.220.

§ 927.178 *Milk drinks: Step Six.* Deduct butterfat received in the form of cultured or flavored milk drinks of 3.0 percent butterfat or more but not more than 5.0 percent butterfat from butterfat leaving the plant or in the closing inventories at the plant in the form of cultured or flavored milk drinks of 3.0 percent butterfat or more but not more than 5.0 percent butterfat. If such butterfat is pooled butterfat, it should be deducted, as far as possible, from Class I–A butterfat. If such butterfat is non-pooled butterfat, it should be deducted, as far as possible, from Class I–B or Class I–C butterfat. Deduct remaining butterfat in the opening inventories or received in the form of cultured or flavored milk drinks containing 3.0 percent butterfat or more but not more than 5.0 percent butterfat from products in which the handler claims to have used such butterfat. Deduct any remaining butterfat in cultured or flavored milk drinks of 3.0 percent butterfat or more but not more than 5.0 percent butterfat from plant loss and classify it as Class I–A.

§ 927.179 *Milk: Step Three.* Deduct butterfat in the opening inventories in the form of milk from butterfat leaving the plant or in the closing inventories at the plant in accordance with § 927.220.

§ 927.180 *Milk: Step Four.* Deduct a quantiy of butterfat, equal to the butterfat received in the form of milk from other plants and in the form of exempt milk, pro rata from the remaining butterfat leaving the plant or in the closing inventories at the plant: *Provided*, That, such deductions shall not be greater than the remaining butterfat leaving the plant or in the closing inventories at the plant.

§ 927.181 *Plant loss allowance; receiving station.* Add to remaining butterfat in all classes 1.0 percent: *Provided*, That, if such additions are greater than the remaining plant loss, they shall be reduced pro rata to the point where they are equal to the plant loss. Deduct such additions from the plant loss. Classify any remaining plant loss as Class I–A.

§ 927.182 *Interchange between products.* Non-pooled butterfat in the form of milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream and fluid cream products deducted pursuant to §§ 927.140 through 927.181, and butterfat receipts from dairy farmers may be interchanged with pooled butterfat received in any one of the enumerated forms: *Provided*, That the butterfat to be interchanged has been deducted from the same products: *Provided, further*, That the quantity of butterfat to be interchanged shall not exceed any quantity necessary to avoid payments pursuant to § 927.78. Such interchange shall be between one or more classes on which payments pursuant to § 927.78 might be required and one or more other classes, the specific classes to be at the option of the handler.

ASSIGNMENT OF POOLED, NON-POOLED, AND EXEMPT BUTTERFAT AND SKIM MILK TO BUTTERFAT CLASSES AND SKIM MILK USES

§ 927.200 *Concentrated fluid milk or plain condensed milk assignment.* (a) Tabulate the classes of all butterfat received in the form of concentrated fluid milk or plain condensed milk (total of the butterfat deducted from the several classes pursuant to §§ 927.153 and 927.157, as such deductions are modified by any interchanges made pursuant to § 927.182), separately tabulating that part of Class III subject to the butter-cheese adjustment and that part of Class III not subject to the butter-cheese adjustment.

(b) Butterfat received in the form of non-pooled concentrated fluid milk or plain condensed milk shall be assigned pro rata, as far as possible, to Class I–B, Class I–C, Class III not subject to the butter-cheese adjustment and Class III subject to the butter-cheese adjustment which have been tabulated pursuant to paragraph (a) of this section. Any remaining non-pooled butterfat shall be assigned to Class II, as far as possible, and then to Class I–A.

(c) Classes of butterfat remaining after the assignments pursuant to paragraph (b) of this section may be interchanged with classes of butterfat remaining after the assignments pursuant to § 927.201 (b) and § 927.202 (c) which are based on the products covered by § 927.170.

(d) After the assignments pursuant to paragraphs (b) and (c) of this section at the option of the handler or handlers involved, butterfat in pooled concentrated fluid milk or plain condensed milk, from other plants may be assigned to any of the remaining classes of butterfat received in the form of concentrated fluid milk or plain condensed milk.

§ 927.201 *Cream assignment.* (a) Tabulate the classes of all butterfat received in the form of cream (total of the butterfat deducted from the several classes pursuant to § 927.148, § 927.170 and § 927.171, as such deductions are modified by any interchanges made pursuant to § 927.182), separately tabulating that part of Class III subject to the butter-cheese adjustment and that part of Class III not subject to the butter-cheese adjustment.

(b) Butterfat received in the form of non-pooled cream shall be assigned pro rata, as far as possible, to Class I–B, Class I–C, Class III not subject to the butter-cheese adjustment and Class III subject to the butter-cheese adjustment which have been tabulated pursuant to paragraph (a) of this section. Any re-

maining non-pooled butterfat shall be assigned to Class II, as far as possible, and then to Class I–A.

(c) Classes of butterfat remaining after the assignments pursuant to paragraph (b) of this section may be interchanged with classes of butterfat remaining after the assignments pursuant to § 927.200 (b) and § 927.202 (c) which are based on the products covered by § 927.170.

(d) After the assignments pursuant to paragraphs (b) and (c) of this section, at the option of the handler or handlers involved, butterfat in pooled cream from other plants may be assigned to any of the remaining classes of butterfat received in the form of cream.

§ 927.202 *Milk assignment.* (a) Tabulate the classes of all butterfat received in the form of milk (total of the butterfat deducted from the several classes pursuant to § 927.175 and § 927.180, the butterfat resulting after the additions pursuant to § 927.181, and butterfat classified as Class I–A pursuant to § 927.181, as such deductions or additions are modified by any interchanges made pursuant to § 927.182), separately tabulating that part of Class III subject to the butter-cheese adjustment and that part of Class III not subject to the butter-cheese adjustment.

(b) Butterfat received in the form of non-pooled milk, including non-pooled milk from dairy farmers, shall be assigned pro rata, as far as possible, to Class I–B, Class I–C, Class III not subject to the butter-cheese adjustment and Class III subject to the butter-cheese adjustment, which have been tabulated pursuant to paragraph (a) of this section. Any remaining non-pooled butterfat shall be assigned to Class II, as far as possible, and then to Class I–A.

(c) Butterfat in exempt milk shall be assigned, after the assignment of paragraph (b) of this section, pro rata to the remaining classes of butterfat received in the form of milk.

(d) Classes of butterfat remaining after the assignments pursuant to paragraphs (b) and (c) of this section may be interchanged with classes of butterfat remaining after the assignments pursuant to § 927.200 (b) and § 927.201 (b) which are based on the products covered by § 927.170.

(e) After the assignments pursuant to paragraphs (b), (c), and (d) of this section, at the option of the handler or handlers involved, butterfat in pooled milk, from other plants may be assigned to any of the remaining classes of butterfat received in the form of milk.

(f) Compute the classification of milk received from producers by converting the pounds of butterfat in each class to pounds of milk equivalent of the average test of milk received from producers: *Provided*, That, in the case of plants handling breed milk or other special milk (such as hi-test), the butterfat in such special milk shall be converted to milk equivalent of the average test established for such special milk, and the remaining butterfat shall be converted to milk equivalent of the average test of the remaining milk.

§ 927.203 *Skim milk assignment.* (a) Pooled fluid skim milk (including exempt fluid skim milk) shall be assigned, as far as possible, to skim milk subject to the fluid skim differential.

(1) Exempt fluid skim milk shall be assigned pro rata to skim milk subject to the fluid skim differential and skim milk not subject to the fluid skim differential as tabulated pursuant to paragraph (a) of this section.

(2) Pooled skim milk from separate sources may be assigned at the option of the handler or handlers involved to either the skim milk subject to the fluid skim differential or the skim milk not subject to the fluid skim differential after the assignments pursuant to paragraph (a) and (a) (1) of this section.

(b) After the assignments pursuant to paragraph (a) of this section non-pooled fluid skim milk shall be assigned to any remaining skim milk subject to the fluid skim differential. Any remaining non-pooled fluid skim milk shall be assigned to skim milk not subject to the fluid skim differential.

§ 927.220 *Method of inventory accounting.* Butterfat or skim milk in closing inventories of milk, concentrated fluid milk or plain condensed milk, fluid milk products, fluid skim milk, cultured or flavored milk drinks, cream, sour cream and fluid cream products may be accounted for and classified by the handler at the time of filing reports in accord with § 927.50 in any of the products and classes in which it is intended that butterfat or skim milk in like products be assigned during the next month. Before classifying butterfat or skim milk received during the next month, the opening inventories of butterfat and skim milk shall be deducted from the products and classes, if any, leaving the plant, in which they were accounted for at the end of the preceding month. If there is not sufficient butterfat or skim milk in such products and classes leaving the plant, the remaining butterfat and skim milk in the opening inventories shall be assigned by the market administrator at the time of audit to other products and classes on hand at or leaving the plant, and the audit for the previous month shall be adjusted accordingly. Butterfat in opening inventories of cream which is allocated to butterfat in closing inventories of cream shall be classified as Class II. In the event that the opening inventories of any product were also opening inventories for the previous month, the butterfat in such product shall be deducted pro rata from the butterfat in all products and classes leaving the plant from which butterfat in like form could be deducted. If the butterfat in such products leaving the plant is less than the butterfat in such opening inventories, any remaining butterfat in such opening inventories shall be deducted pro rata from the butterfat in all products and classes in the closing inventories at the plant from which butterfat in like form could be deducted. In the event that an audit has not been necessary for the previous month, opening inventories shall be treated as receipts of non-pooled product.

CONVERSION FACTORS

§ 927.230 *Butterfat tests.* In the absence of specific butterfat tests the following table shall be used:

Product	Test in percent
Butter	80
Cream or fluid cream products (except New Jersey)	18
Cream or fluid cream products (New Jersey)	16
Cream cheese (sold as cream cheese)	23
Cream cheese (sold as Neufchatel)	20
Evaporated milk	7.9
Homogenized mixtures (chocolate)	8
Homogenized mixtures (except chocolate)	10
Concentrated fluid milk (established to have been packaged in consumer packages)	14
Plain condensed milk (established to have been packaged in consumer packages)	14
Concentrated fluid milk (not established to have been packaged in consumer packages)	5
Plain condensed milk (not established to have been packaged in consumer packages)	5
Sweetened condensed milk	8
Whipped topping mixture	19

Milk shipped from a plant or received from another plant (no specific tests shall be recognized for milk shipped except for breed milk and other special milk).

Average test of all milk received at the shipping plant from farmers except that if the classification of such milk shipments is assigned pursuant to § 927.202 to milk received from another plant the test shall be the average test of milk received from farmers at such other plant.

§ 927.231 *Weights.* In the absence of specific weights the following table shall be used:

Product	Unit	Net weight pounds
Cream:		
11 percent bf	40 quarts or 40-quart can.	85.67
12 percent bf	do	85.62
13 percent bf	do	85.57
14 percent bf	do	85.52
15 percent bf	do	85.47
16 percent bf	do	85.42
17 percent bf	do	85.34
18 percent bf	do	85.26
19 percent bf	do	85.18
20 percent bf	do	85.10
21 percent bf	do	85.02
22 percent bf	do	84.94
23 percent bf	do	84.86
24 percent bf	do	84.78
25 percent bf	do	84.70
26 percent bf	do	84.62
27 percent bf	do	84.52
28 percent bf	do	84.42
29 percent bf	do	84.36
30 percent bf	do	84.30
31 percent bf	do	84.24
32 percent bf	do	84.18
33 percent bf	do	84.12
34 percent bf	do	84.06
35 percent bf	do	84.00
36 percent bf	do	83.94
37 percent bf	do	83.88
38 percent bf	do	83.82
39 percent bf	do	83.76
40 percent bf	do	83.70
41 percent bf	do	83.64
42 percent bf	do	83.58
43 percent bf	do	83.52
44 percent bf	do	83.46
45 percent bf	do	83.40
46 percent bf	do	83.34
47 percent bf	do	83.28
48 percent bf	do	83.22
49 percent bf	do	83.16
50 percent bf	do	83.10
51 percent bf	do	83.04
52 percent bf	do	82.98
53 percent bf	do	82.92
54 percent bf	do	82.86
55 percent bf	do	82.80

Product	Unit	Net weight pounds
Sweetened condensed milk.	40 quarts or 40-quart can.	108.00
Homogenized mixtures-(except chocolate).	....do	91.00
Chocolate homogenized mixtures.	....do	92.50
Fluid skim milk	....do	86.00
Concentrated fluid milk.	....do	91.00
Plain condensed milk.	....do	91.00
Concentrated fluid milk (packaged).	Quart (in any package).	2.3
Plain condensed milk (packaged).	....do	2.3
Evaporated milk	Case, tall cans	43.65
Do	Case, baby cans	18.10
Milk	40-quart can	85.00
Milk (packaged)	Quart (in any package).	2.15
Fluid skim milk (packaged).	....do	2.15
Whipped topping mixture.	40-quart can	86.50
Whipped topping mixture (more than 26 percent bf and 6.0 percent or more of sugar).	....do	87.00
Whipped topping mixture (26 percent or less of bf and 6.0 percent or more of sugar).	....do	88.00

NOTE: Abbreviation bf means butterfat.

METHODS OF DETERMINING BUTTERFAT IN SPECIFIC PRODUCTS

§ 927.240 *Butterfat in frozen desserts.* The butterfat in a frozen dessert shall be assumed to be the same as the butterfat in the homogenized mixture or other basic mixture used in making such frozen desserts. In addition, the butterfat in cream used to standardize the homogenized mixture or other basic mixture, not to exceed 4.0 percent of the total butterfat in such mixture, may be included: *Provided,* That in the absence of butterfat tests the butterfat content of mixtures used to make sherbet shall be assumed not to exceed 1.0 percent.

§ 927.241 *Butterfat in homogenized mixtures.* (a) Determine the weight of the homogenized mixture. In the absence of specific weights, convert volume to weight by the use of the conversion factor in § 927.231.

(b) Determine the total amount of fat in the homogenized mixture on the basis of fat tests and the weight of the product.

(c) Determine the total amount of fat other than butterfat in the homogenized mixture on the basis of the fat content of the non-milk products used in the manufacture of the homogenized mixture.

(d) Determine the butterfat content of the homogenized mixture by subtracting from the total fat content of the homogenized mixture, the fat in the non-milk products used.

§ 927.242 *Butterfat in cultured and flavored milk drinks containing less than 3.0 percent or more than 5.0 percent butterfat.* The butterfat content of such products shall be assumed to be the same as the butterfat of the milk, cream, plain condensed milk, or whole milk powder used in making such product if such butterfat content appears reasonable in the light of the butterfat test of the product. In the absence of butterfat tests, the butterfat content of such products shall be assumed not to exceed 2.0 percent.

§ 927.243 *Butterfat in milk chocolate and other candy products.* The butterfat content of milk chocolate and other candy products shall be assumed to be the same as the butterfat in the milk, cream, or other milk product used in the manufacture of such products.

§ 927.244 *Butterfat in cheeses subject to the butter-cheese adjustment.* The butterfat content of cheeses subject to the butter-cheese adjustment (including the whey butterfat) shall be assumed to be the same as the butterfat content of the milk used in the manufacture of such cheeses; *Provided,* That, the yield of such cheese is reasonable in view of the butterfat content of the milk and the moisture content of the cheese.

§ 927.245 *Butterfat in other cheeses.* (a) The butterfat content of cheeses other than cream cheese and cheeses subject to the butter-cheese adjustment shall be assumed to be the same as the butterfat content of the milk, cream, or other cheese used in the manufacture of such cheese if such butterfat content appears reasonable in the light of the butterfat tests and yield of the cheese.

(b) In the absence of butterfat tests of creamed cottage cheese, the butterfat content of such cheese shall be assumed not to exceed 4.5 percent.

§ 927.246 *Butterfat in malted milk products.* The butterfat content of malted milk products shall be assumed to be the same as the butterfat in the products used in making such malted milk products.

§ 927.247 *Butterfat in frozen cream.* Leaving the plant or in the closing inventories at the plant. Butterfat will be considered to have left a plant or be in closing inventories at a plant in the form of frozen cream only if the butterfat is so identified in the handler's records that the place and time of separation can be ascertained. In the event that it is not so identified, it will be considered to have left the plant or be in the closing inventories at the plant in the form of cream rather than frozen cream.

BUTTERFAT IN BY-PRODUCTS

§ 927.260 *Butterfat in whey and whey products.* Butterfat on hand at or leaving the plant in the form of whey, whey cream, or whey butter, obtained from the manufacture of cheeses other than cream cheese, shall be classified the same as the butterfat in the cheese.

§ 927.261 *Butterfat in other products.* Butterfat in by-products of milk or milk product manufacturing or shipping operations except that classified pursuant to § 927.260 shall be considered plant loss. Such by-products shall include but not be limited to fluid skim milk obtained from the separator or churn, condensed by-products, powdered by-products, or rinsings.

ASSIGNMENT OF SPECIFIC BUTTERFAT RECEIVED OR IN THE OPENING INVENTORIES IN THE FORM OF FROZEN CREAM TO THE USES OF BUTTERFAT IN THE FORM OF FROZEN CREAM AT THE PLANT

§ 927.270 *Frozen cream: closing inventories.* Butterfat received or in the opening inventories in the form of frozen cream shall be assigned to butterfat leaving the plant or in the closing inventories at the plant in the form of frozen cream in accordance with its identification pursuant to § 927.247.

§ 927.271 *Frozen cream; April to September.* Remaining butterfat received or in the opening inventories in the form of frozen cream which frozen cream was obtained from milk separated in the months of April through September shall be prorated to uses of butterfat in the form of frozen cream as determined pursuant to §§ 927.162 through 927.167. The total butterfat derived from milk separated in each of the months shall be prorated separately.

§ 927.272 *Frozen cream; handler option.* After the proration pursuant to § 927.271 specific butterfat separated in any month may be assigned at the option of the handler or handlers involved to any of the uses to which the total butterfat separated in that month is assigned.

§ 927.273 *Frozen cream; pooled and non-pooled.* The total butterfat in frozen cream separated at a plant in any one month will be assumed to be pooled and non-pooled butterfat in the same proportion as pooled and non-pooled butterfat assigned pursuant to §§ 927.200 through 927.203 to total Class III at the plant in the month when the cream is separated.

§ 927.274 *Frozen cream to Class II.* Butterfat in frozen cream assigned to cream (either sweet or sour), classified as Class II, will be considered to be pooled butterfat to the extent available.

§ 927.275 *Frozen cream to butter.* Butterfat in frozen cream assigned to butter in any month for which storage cream payments may be applicable pursuant to § 927.77 (b) will be considered to be pooled and non-pooled butterfat in the same proportion as pooled and non-pooled butterfat in frozen cream, for the month in which it was separated, remaining after specific assignments of pooled and non-pooled butterfat to uses in previous months and assignments in the same month pursuant to § 927.274.

Issued this 29th day of May 1952.

C. J. BLANFORD,
Market Administrator.

Approval of Amended Rules and Regulations

Pursuant to the provisions of § 927.36 of Order No. 27, as amended (7 CFR, Part 927), regulating the handling of milk in the New York metropolitan milk marketing area, the tentatively amended rules and regulations issued on May 29, 1952 by the market administrator of said Order No. 27, as amended, to supersede

the rules and regulations heretofore issued (7 CFR, 927.101 et seq.), pursuant to the provisions of said Order No. 27, as amended, are hereby approved and shall be effective on and after the first day of July 1952.

Order No. 27, as amended, requires that such rules and regulations, and amendments thereto, become effective on the first day of the month following their approval by the Secretary of Agriculture. The changes effected by these amended rules and regulations to some extent tend to relieve restriction and otherwise do not require substantial or extensive preparation by handlers prior to their effective date. Furthermore, the said tentatively amended rules and regulations issued by the market administrator on May 29, 1952, were sent, on or about that date, to all handlers operating pool plants. In these circumstances, the time intervening between the date of approval of the tentatively amended rules and regulations and their effective date affords handlers a reasonable time to prepare for their effective date. It is, therefore, found and determined that July 1, 1952, herein fixed as the effective date for the said amended rules and regulations, is reasonable and proper in the circumstances and that to defer the effective date 30 days or more after publication in the FEDERAL REGISTER would be impracticable, unnecessary, and contrary to the public interest.

Done at Washington, D. C., this 24th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7011; Filed, June 26, 1952; 8:45 a. m.]

[Plum Order 11]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.433 *Plum Order 11*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.), in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 30, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 18, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 18, 1952; after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 30, 1952; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 30, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship any package or container of Becky Smith plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack in a standard basket if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped for such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{13}{16}$ inches in diameter; (ii) at least ninety-five (95 percent, by count, of the plums contained in such pack measure not less than $1\frac{11}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{9}{16}$ inches in diameter .

(5) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{11}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{9}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{7}{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7127; Filed, June 27, 1952; 8:59 a. m.]

[Plum Order 12]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.434 *Plum Order 12*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 30, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 18, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 18, 1952; after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 5, 1952; and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 30, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship from any shipping point during any day any package or container of Duarte plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no under-shipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{21}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{5}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{5}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{5}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7128; Filed, June 27, 1952; 8:59 a. m.]

[Bartlett Pear Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.435 *Bartlett Pear Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Bartlett Pear Commodity Committee, established under the aforesaid amended

marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Bartlett pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 30, 1952. A reasonable determination as to the supply of, and the demand for, Bartlett pears must await the development of the crop and adequate information thereon was not available to the Bartlett Pear Commodity Committee until June 19, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such pears was made at the meeting of said committee on June 19, 1952, after consideration of all available information relative to the supply and demand conditions for such pears, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such pears are expected to begin on or about July 5, 1952; and this section should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 30, 1952, and ending at 12:01 a. m., P. s. t., December 1, 1952, no shipper shall ship any box or container of Bartlett pears unless:

(i) Such pears are well matured and grade, except with respect to shape, at least U. S. Combination Grade with not less than seventy-five (75) percent, by count, of the pears contained in such box or container grading at least U. S. No. 1: *Provided,* That pears which are not fairly well formed only because of short shape shall be deemed to be "fairly well formed;" and

(ii) Such pears are of a size not smaller than the size known commercially as size 180.

(2) Each shipper, prior to making each shipment of Bartlett pears, shall, during the period set forth in subparagraph (1) of this paragraph, have the pears included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Bartlett Pear Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Bartlett Pear Commodity Committee Federal-State shipping point inspection certificates stating the grades and sizes of the Bartlett pears contained in each such shipment: *Provided,* That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnished the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Bartlett Pear Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all other provisions of this section applicable to such shipment.

(c) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(2) "Size known commercially as size 180" means a size Bartlett pear that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with five tiers, each tier having six rows with six pears in each row, and with the twenty smallest pears weighing not less than five pounds.

(3) "Standard pear box" means the container so designated in section 828.3 of the Agricultural Code of California.

(4) "U. S. No. 1," "U. S. Combination "Grade," "fairly well formed," and "standard pack" shall have the same meaning as when used in the United States Standards for pears (summer and fall), 7 CFR 51.331.

(5) "Pears are well matured" means that the pears meet the maturity standards for Bartlett pears prescribed in section 804 of the Agricultural Code of California, *Provided,* That, (i) if the inspection is on the basis of the average pressure test, it does not exceed 21 pounds; (ii) if the inspection is on the basis of the soluble solids, it is not less than 14 percent; and (iii) if the inspection is on the basis of color, the pears show a distinctly yellowish-green color: *Provided further,* That, pears which have equivalent maturity, as determined by the Federal-State Inspection Service, may be passed as well matured.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7126; Filed, June 27, 1952; 8:56 a. m.]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

ORDER TERMINATING PLUM ORDERS 1 THROUGH 4

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of available information, it is hereby found that the limitation of shipments of early varieties of plums in accordance with the provisions of the plum orders hereinafter specified will, after the effective time hereof, no longer tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this order is based became available and the time when this termination order must become effective is insufficient; and this order relieves restrictions on the handling of early varieties of plums grown in the State of California.

(b) *Order.* The provisions of the following plum orders shall be terminated at 12:01 a. m., P. s. t., June 29, 1952.

Plum Order 1 (§ 936.422; 17 F. R. 4372).

Plum Order 2 (§ 936.423; 17 F. R. 4969).

Plum Order 3 (§ 936.424; 17 F. R. 4970).

Plum Order 4 (§ 936.425; 17 F. R. 4971).

Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen, or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of any of the said plum orders hereby terminated; or (2) as releasing or extinguishing any violation of any provision of any of the said plum orders hereby terminated which has occurred, or which, prior to the effective time of the provisions hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7184; Filed, June 27, 1952; 8:57 a. m.]

[Docket No. AO 101-A13]

PART 941—MILK IN CHICAGO, ILL. MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 941.0 *Findings and determinations.* The findings and determinations herein-

after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than July 1, 1952 this order amending the said order, as amended. This action is necessary in the public interest in order to reflect current marketing conditions, and to insure the production of an adequate supply of milk. Any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously impair orderly marketing of milk in the Chicago, Illinois, marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held March 11–14, 1952 and the decision having been executed by the Secretary on June 13, 1952. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative association of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the Chicago, Illinois marketing area, refuse or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who participated in a referendum on the question of approval of its issuance, and who, during the determined representative period (February 1952) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 941.51 and substitute therefor the following:

§ 941.51 *Supply and demand ratio.* On or before the last day of each delivery period the market administrator shall make the following computations based upon information obtained from handlers' reported receipts and utilization:

(a) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 12-month period.

(b) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 12-month period and subtract therefrom the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 12-month period.

(c) Divide the amount obtained in paragraph (b) of this section by the amount obtained in paragraph (a) of this section and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio".

(d) In making the computations specified in paragraphs (a) and (b) of this section, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Order 41 and former Order 69 (Suburban Chicago, Illinois, marketing area) when it is necessary to use data for delivery periods prior to July 1, 1951.

2. Delete § 941.52 (a) (1) and substitute therefor the following:

(a) *Class I milk.* (1) The price for Grade A Class I milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: May and June, $0.60; July, August, September, October, and November, $1.10; all others, $0.80; *Provided*, That such Class I price differential shall be increased or decreased, respectively, 3 cents for each full percent that the current supply-demand ratio is greater or less than 72 percent.

3. Delete § 941.52 (b) (1) and substitute therefor the following:

(b) *Class II milk.* (1) The price for Grade A Class II milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: May and June, $0.40; July, August, September, October, and November, $0.70; all others, $0.50: *Provided*, That such Class II price differential shall be adjusted by the amount of any adjustment made in the Class I price differential for the same delivery period pursuant to the proviso of paragraph (a) (1) of this section.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 26th day of June 1952, to be effective on and after the 1st day of July 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7153; Filed, June 27, 1952; 9:01 a. m.]

[Lemon Reg. 440, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which

this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.547 (Lemon Regulation 440, 17 F. R. 5608) are hereby amended to read as follows:

(ii) District 2, 800 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7182; Filed, June 27, 1952; 8:57 a. m.]

[Lemon Reg. 441]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.548 *Lemon Regulation 441*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on June 25, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 29, 1952, and ending at 12:01 a. m., P. s. t., July 6, 1952 is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 650 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: June 22, 1952. Regulation period No. 441]

DISTRICT NO. 2

[12:01 a. m. June 29, 1952, to 12:01 a. m. July 13, 1952]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.466
American Fruit Growers, Inc., Fullerton	.584
American Fruit Growers, Inc., Upland	.411
Eadington Fruit Co.	.288
Ventura Coastal Lemon Co.	2.051
Ventura Pacific Co.	2.600
Glendora Lemon Growers Association	1.212
La Verne Lemon Association	.614
La Habra Citrus Association	1.419
Yorba Linda Citrus Association, The	.694
Escondido Lemon Association	8.012
Alta Loma Heights Citrus Association	.846

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Etiwanda Citrus Fruit Association	0.361
Mountain View Fruit Association	.295
Old Baldy Citrus Association	.906
San Dimas Lemon Association	1.061
Upland Lemon Growers Association	6.022
Central Lemon Association	1.051
Irvine Citrus Association	.961
Placentia Mutual Orange Association	.707
Corona Citrus Association	.454
Corona Foothill Lemon Co.	3.296
Jameson Co.	.904
Arlington Heights Citrus Co.	1.169
College Heights Orange & Lemon Association	2.707
Chula Vista Citrus Association, The	1.176
Escondido Cooperative Citrus Association	.165
Fallbrook Citrus Association	2.158
Lemon Grove Citrus Association	.391
Carpinteria Lemon Association	3.010
Carpinteria Mutual Citrus Association	2.619
Goleta Lemon Association	3.933
Johnston Fruit Co.	5.364
Hazeltine Packing Co.	.507
North Whittier Heights Citrus Association	.826
San Fernando Heights Lemon Association	.618
Sierra Madre-Lamanda Citrus Association	.510
Briggs Lemon Association	2.681
Culbertson Lemon Association	1.499
Fillmore Lemon Association	.986
Oxnard Citrus Association	5.617
Rancho Sespe	1.052
Santa Clara Lemon Association	3.304
Santa Paula Citrus Fruit Association	2.995
Saticoy Lemon Association	3.847
Seaboard Lemon Association	4.383
Somis Lemon Association	3.536
Ventura Citrus Association	1.013
Ventura County Citrus Association	.317
Limoneira Co.	3.244
Teague-McKevett Association	.771
East Whittier Citrus Association	.710
Leffingwell Rancho Lemon Association	.750
Murphy Ranch Co.	2.056
Chula Vista Mutual Lemon Association	.554
Index Mutual Association	.382
La Verne Cooperative Citrus Association	2.113
Orange Belt Fruit Distributors	.552
Ventura County Orange & Lemon Association	1.913
Whittier Mutual Orange & Lemon Association	.138
Allen, Floyd L.	.000
Evans Bros. Packing Co.	.000
Huarte, Joseph D.	.000
Latimer, Harold	.035
MacDonald Fruit Co.	.000
Paramount Citrus Association, Inc.	.183
Torn Ranch	.001
Valdora, Albert	.000

[F. R. Doc. 52-7183; Filed, June 27, 1952; 8:57 a. m.]

[957.309, Amdt. 1]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in

certain designated counties in Idaho and in Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and amended order, and upon other available information, it is hereby found that the amended limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Irish potatoes grown in the area regulated by Order No. 57, as amended.

Order as amended. The provisions of subparagraph (3) of § 957.309 (b) (17 F. R. 5639) are hereby amended to read as follows:

(b) *Order.* * * *

(3) During the period beginning 12.01 a. m., m. s. t., June 26 1952, and ending 12:01 a. m., m. s. t., November 1, 1952, no handler shall ship (i) Russet Burbank potatoes which are more than "moderately skinned" as such term is defined in the U. S. Standards for Potatoes, which means that not more than 10 percent of the potatoes in any lot have more than one-half of the skin missing or feathered, (ii) potatoes of the red skin varieties if more than 20 percent of the potatoes in any lot have more than one-half of the skin missing or feathered, as such terms are used in the U. S. Standards for Potatoes, and (iii) potatoes of the White Rose variety if more than 35 percent of the potatoes in any lot have more than one-half of the skin missing or feathered, as such terms are used in the U. S. Standards for Potatoes: *Provided*, That the grade and size requirements set forth in subparagraph (1) of this paragraph will be equally applicable to potatoes shipped under the maturity requirements set forth in this subparagraph: *Provided further*, That during such period not to exceed 200 hundredweight of each variety of such potatoes may be handled for any producer without regard to the aforesaid skinning requirements if the handler thereof reports, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 25th day of June 1952, to become effective June 26, 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7129; Filed, June 27, 1952; 8:59 a. m.]

[Docket No. AO-176-A9]

PART 974—MILK IN COLUMBUS, OHIO, MARKETING AREA

CORRECTION

In the order amending the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area which was issued by the Secretary of Agriculture on March 31, 1952, and was published in the FEDERAL REGISTER on April 5, 1952 (17 F. R. 2968), the following correction should be made:

In § 974.51 (a) (2) the "standard utilization percentages" to be used in computing prices for January and December, which appear therein as "79" and "81," respectively, should be corrected to read "81" and "83," respectively.

Issued at Washington, D. C., this 25th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7131; Filed, June 27, 1952; 9:00 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Regs., Serial No. SR-382]

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 61—SCHEDULED AIR CARRIER RULES

SPECIAL CIVIL AIR REGULATION; LONG DISTANCE DOMESTIC SCHEDULED AIR CARRIER OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 24th day of June 1952.

Special Civil Air Regulation SR-363 which terminates June 30, 1952, provides special operating rules for scheduled air carrier aircraft operating in long-distance domestic operations at altitudes in excess of 12,500 feet above sea level east of longitude 100° W. and at altitudes in excess of 14,500 feet above sea level west of longitude 100° W. At the time SR-363 was adopted it was anticipated that the revision of Parts 40 and 61, which will incorporate similar provisions, would be completed prior to June 30, 1952. Although the Bureau of Safety Regulation has been actively engaged in such revision, it has not yet been completed. It is therefore deemed desirable to extend the rules provided in SR-363 for long-distance domestic scheduled air carrier operations until June 30, 1953, or until such time as the proposed revision of Parts 40 and 61 may be completed.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter submitted. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board makes and promulgates the following Special Civil Air Regulation effective immediately:

Flights of scheduled air carriers while at altitudes in excess of 12,500 feet above sea level east of longitude 100° W. and 14,500 feet above sea level west of longitude 100° W. shall comply with the applicable provisions of the Civil Air Regulations except as follows:

(a) Such flights need not comply with the requirements of § 60.45, § 61.252, or any sections of Parts 40 and 61 concerning civil airways.

(b) Such flights need not comply with the requirements of §§ 60.21, 60.43, 60.47 and 61.171 (c), except to the extent which the Administrator may prescribe.

(c) Each pilot in command engaged in those operations shall be qualified for the route, if he is qualified for operations over any regular authorized route for the air carrier involved between the regular terminals for such operations.

(d) Each dispatcher who dispatches aircraft on flights authorized by this regulation shall be qualified under § 61.154 of the Civil Air Regulations for operation over an authorized route for the air carrier involved between the regular terminals of such operations: *Provided*, That when he is qualified only on a portion of such route he may dispatch aircraft only after coordinating the dispatch with dispatchers who are qualified for the other portions of the route between the points to be served.

This regulation supersedes Special Civil Air Regulation SR-363 and shall terminate June 30, 1953, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-7133; Filed, June 27, 1952; 9:01 a. m.]

[Supp. 12]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PREFLIGHT RESPONSIBILITIES

This supplement explains regulations of the Civil Aeronautics Board concerning preflight responsibilities of the pilot-in-command.

Sections 42.51-1 through 42.51-4, published on November 22, 1949, in 14 F. R. 7040, are renumbered to be §§ 42.51-2 through 42.51-5, and a new § 42.51-1 is adopted to read:

§ 42.51–1 *Preflight responsibilities (CAA interpretations which apply to § 42.51 (a) and (b)).* In complying with § 42.51 (a) and (b)—particularly that portion requiring the pilot-in-command to familiarize himself with "the information necessary for the safe operation of the aircraft en route and on the airports or other landing areas to be used"—the pilot-in-command must, prior to origination of each flight review the en route procedures, radio navigational facilities, holding patterns, approach procedures, and letdown procedures for the airport of destination and the alternate airports, if any, for the proposed flight.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 604, 52 Stat. 1010, as amended; 49 U. S. C. 554)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-7090; Filed, June 27, 1952; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 15]

PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable.

Part 610 is amended as follows:

1. Section 610.6003 *VOR civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Wilton, Conn. (VOR)	Hartford, Conn. (VOR)	2,000
Boston, Mass. (VOR)	Kennebunk, Maine (VOR).	1,700
Kennebunk, Maine (VOR).	Augusta, Maine (VOR).	2,000
Augusta, Maine (VOR)	Bangor, Maine (VOR)	2,300

2. Section 610.6025 *VOR civil airway No. 25* is amended by adding:

From—	To—	Minimum altitude
Bay Point, Calif. (FM).	Sacramento, Calif. (VOR) (east-bound only).	2,000

3. Section 610.6058 *VOR civil airway No. 58* is amended to read in part:

From—	To—	Minimum altitude
Philipsburg, Pa. (VOR)	Williamsport (INT), Pa.	4,000
Williamsport (INT), Pa.	Wilkes-Barre Scranton, Pa. (VOR).	4,500

4. Section 610.6091 *VOR civil airway No. 91* is amended to read in part:

From—	To—	Minimum altitude
Albany, N. Y. (VOR)..	Plattsburg, N. Y. (VOR).	6,000

5. Section 610.6104 *VOR civil airway No. 104* is amended to read in part:

From—	To—	Minimum altitude
U. S. Canada Boundary.	Massena, N. Y. (VOR).	1,500

6. Section 610.6106 *VOR civil airway No. 106* is amended to read in part:

From—	To—	Minimum altitude
Selinsgrove, Pa. (VOR).	Wilkes-Barre Scranton, Pa. (VOR).	4,000

7. Section 610.16 *Green civil airway No. 6* is amended by adding:

From—	To—	Minimum altitude
Palacios, Tex. (LFR)..	Galveston, Tex. (LFR).	1,500
Galveston, Tex. (LFR).	Lake Charles, La. (LFR).	1,500

8. Section 610.16 *Green civil airway No. 6* is amended to eliminate:

From—	To—	Minimum altitude
Palacios, Tex. (LFR)..	Houston, Tex. (LFR).	1,500
Houston, Tex. (LFR)..	Beaumont, Tex. (LFR).	1,600
Beaumont, Tex. (LFR).	Lake Charles, La. (LFR).	1,300

9. Section 610.201 *Red civil airway No. 1* is amended to eliminate:

From—	To—	Minimum altitude
Goodland, Kans. (VAR).	Hill City, Kans. (VAR).	5,000
Hill City, Kans. (VAR)	Waldo, Kans. (VAR).	4,000
Waldo, Kans. (VAR)..	Salina, Kans. (VAR)..	3,000
Salina, Kans. (VAR)..	Topeka, Kans. (VAR).	2,500
Topeka, Kans. (VAR).	Kansas City, Mo.....	2,500

10. Section 610.208 *Red civil airway No. 8* is amended to read in part:

From—	To—	Minimum altitude
Lockbourne (INT), Ohio.	Zanesville, Ohio (LF/RBN).	2,400

11. Section 610.212 *Red civil airway No. 12* is amended to read in part:

From—	To—	Minimum altitude
U. S.-Canada Boundary.	Erie, Pa. (LFR).....	2,000

12. Section 610.296 *Red civil airway No. 96* is added to read:

From—	To—	Minimum altitude
Palacios, Tex. (LFR)..	Houston, Tex. (LFR).	1,500
Houston, Tex. (LFR).	Beaumont, Tex. (LFR).	1,600
Beaumont, Tex. (LFR).	Lake Charles, La. (LFR).	1,300
Int. E crs. Lake Charles, La. (LFR) and SW crs. Baton Rouge, La. (LFR).	Baton Rouge, La. (LFR).	1,500
Baton Rouge, La. (LFR) via Baker LF/RBN.	Madisonville, La. (FM)	1,500

13. Section 610.645 *Blue civil airway No. 45* is amended to eliminate:

From—	To—	Minimum altitude
Lafayette, La. (RBN)..	Baton Rouge, La. (LFR).	1,500

14. Section 610.1001 *Direct routes; Northeast United States* is amended to read in part:

From—	To—	Minimum altitude
Des Moines, Iowa (LFR)	Sioux City, Iowa (LFR)	2,000
Kansas City, Mo. (LFR).	Columbia, Mo. (LFR) (east-bound only).	4,000
Omaha, Nebr. (LFR)..	Minneapolis, Minn. (LFR).	2,800

15. Section 610.1001 *Direct routes; Northeast United States* is amended by adding:

From—	To—	Minimum altitude
Kansas City, Mo. (LFR).	Topeka, Kans. (RBN).	2,500
Garden City, Kans. (LFR).	Gage, Okla. (LFR).....	4,500
Garden City, Kans. (LFR).	Dodge City, Kans. (LF/RBN).	4,000
Dodge City, Kans. (LF/RBN).	Hutchinson, Kans. (LFR).	4,000
Hutchinson, Kans. (LFR).	Wichita, Kans. (LFR).	2,800
Goodland, Kans. (LF/RBN).	Garden City, Kans. (LFR).	5,000
Sioux City, Iowa (LFR).	Mason City, Iowa (LF/RBN).	2,800
St. Louis, Mo. (LFR)..	Quincy, Ill. (LF/RBN).	2,000

16. Section 610.1002 *Direct route; Southeast United States* is amended to read in part:

From—	To—	Minimum Altitude
Fort Smith, Ark. (LF/RBM).	Springfield, Mo. (LFR).	3,800

17. Section 610.1002 *Direct routes; Southeast United States* is amended by adding:

From—	To—	Minimum altitude
Ponca City, Okla. (LF/RBN).	Wichita, Kans. (LFR)	2,500

18. Section 610.1003 *Direct routes; Southwest United States* is amended by adding:

From—	To—	Minimum altitude
Colorado Springs, Colo. (LFR).	Goodland, Kans. (LF/RBN).	8,000
La Junta, Colo. (LFR).	Colorado Springs, Colo. (LFR).	8,000
Thurman, Colo. (VOR).	Akron, Colo. (VOR).	6,000
Imperial, Nebr. (VOR).	North Platte, Nebr. (VOR).	4,500
Hill City, Kans. (VOR).	Hutchinson, Kans. (VOR).	5,500
Topeka, Kans. (VOR).	St. Joseph, Mo. (VOR).	2,500

19. Section 610.1004 *Direct routes; Northwest United States* is amended by adding:

From—	To—	Minimum altitude
Grand Island, Nebr. (LFR).	Int. 8 crs. Lincoln, Nebr. (LFR) and direct line between Grand Island, Nebr. (LFR) and St. Joseph, Mo. (LFR).	3,200
Int. 8 crs. Lincoln, Nebr. (LFR) and direct line between Grand Island, Nebr. (LFR) and St. Joseph, Mo. (LFR).	St. Joseph, Mo. (LFR).	2,700
Lincoln, Nebr. (LFR).	Int. 8 crs. Lincoln, Nebr. (LFR) and direct line between Grand Island, Nebr. (LFR) and St. Joseph, Mo. (LFR).	2,700

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interepret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective July 8, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-7092; Filed, June 27, 1952; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIOBITIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 1951 Supp., Part 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 1951 Supp., Part 146; 17 F. R. 3230) are amended as indicated below.

1. Part 141 is amended by adding the following new section:

§ 141.54 *Dibenzylethylenediamine dipenicillin G for aqueous injection*—(a) *Potency.* Proceed as directed in § 141.47 (a). Its potency is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141.2.

(c) *Moisture (dry mixture of the drug).* Proceed as directed in § 141.26 (e).

(d) *Pyrogens.* Proceed as directed in § 141.47 (d).

(e) *Toxicity.* Proceed as directed in § 141.47 (c).

(f) *pH*—(1) *Dry mixture of the drug.* Proceed as directed in § 141.47 (f).

(2) *Aqueous suspension of the drug.* Proceed as directed in § 141.47 (f), using the undiluted aqueous suspension.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup. 357)

2. In § 146.34 *Tablets aluminum penicillin,* subparagraph (1) (iv) of paragraph (c) *Labeling,* change the figure "12" to read "24".

3. In § 146.47 *Procaine penicillin for aqueous injection,* paragraph (b) *Packaging,* fifth sentence, change the figure "10 milliliters" to read "12 milliliters".

4. In § 146.51 *Buffered penicillin powder* * * *, subparagraph (1) (vi) of paragraph (c) *Labeling,* change the figure "18" to read "24".

5. Part 146 is further amended by adding the following new section:

§ 146.77 *Dibenzylethylenediamine dipenicillin G for aqueous injection*—(a) *Standards of identity, strength, quality, and purity.* Dibenzylethylenediamine dipenicillin G for aqueous injection is a dry mixture of dibenzylethylenediamine dipencillin G and one or more suitable and harmless suspending or dispersing agents and with or without one or more suitable and harmless preservatives, buffer substances, and local anesthetics; or it is an aqueous suspension of dibenzylethylenediamine dipenicillin G and one or more suitable and harmless suspending or dispersing agents, buffer substances, and preservatives and with or without one or more suitable and harmless local anesthetics. It is so purified that:

(1) If it is an aqueous suspension of the drug, each container or each milliliter shall contain not less than 300,000 units.

(2) It is sterile.

(3) If it is the dry mixture of the drug, its moisture content is not more than 8 percent.

(4) It is nonpyrogenic.

(5) It is nontoxic.

(6) Its *pH* in saturated solution is not less than 5.0 and not more than 7.5.

The dibenzylethylenediamine dipenicillin G used conforms to the requirements of § 146.68 (a). Each other substance use, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless, transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. If it is the dry mixture of the drug, each such container shall contain 300,000 units, 600,000 units, 900,000 units, 1,200,000 units, 1,500,000 units, 2,400,000 units, or 3,000,000, unless it is intended solely for veterinary use and is conspicuously so labeled. Each such container may be packaged in combination with a container of a suitable aqueous diluent. If it is the aqueous suspension of the drug, each such container shall contain not less than 1 milliliter (unless it is packaged to contain a single dose) and not more than 10 milliliters (unless it is intended solely for veterinary use and is conspicuously so labeled), and each shall be filled with a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated, whether administered in either single or multiple doses.

(c) *Labeling.* Each package shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units in the immediate container.

(iii) The statement "Expiration date ----------," the blank being filled in, if it is a dry mixture of the drug, with the date which is 24 months, or if it is the aqueous suspension of the drug, with the date which is 18 months after the month during which the batch was certified.

(iv) The statement "For intramuscular use only."

(v) If the drug contains preservatives or anesthetics, the name and quantity of each such added ingredient.

(2) On the outside wrapper or container:

(i) If it is the aqueous suspension of the drug, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)," unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section after having been stored at room temperature.

(ii) The statement "Caution: Federal law prohibits dispensing without prescription."

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions for use and warnings as required by section 502 (f) of the act, including:

(i) Clinical indications.

(ii) Dosage and administration, including method of preparing the drug for injection.

(iii) If it is the dry mixture of the drug, the conditions under which suspensions made from such drug should be stored, and the statement, "Sterile suspension may be kept at room temperature for 1 week, or in refrigerator for 3 weeks, without significant loss of potency."

(iv) Contraindications.

(v) Untoward effects that may accompany administration, including sensitization.

If two or more immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of dibenzylethylenediamine dipenicillin G for aqueous injection shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the dibenzylethylenediamine dipenicillin G used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: potency, sterility, moisture (unless it is an aqueous suspension of the drug), pyrogens, toxicity, pH.

(ii) The dibenzylethylenediamine dipenicillin G used in making the batch; potency, penicillin G content, crystallinity.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility: one immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 or more than 17 immediate containers.

(*b*) For sterility testing: 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The dibenzylethylenediamine dipenicillin G used in making the batch; three packages containing approximately equal portions of not less than 500 milligrams each, packaged in accordance with the requirements of § 146.68 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(iv) In case of an initial request for the certification of a batch of dibenzylethylenediamine dipenicillin G for aqueous injection which is to be packaged in combination with an aqueous diluent which is not recognized by the U. S. P., or when any change is made in the composition of such diluent, five packages of the diluent included in the combination.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility; 10 packages.

(ii) For sterility testing; 10 packages.

Each such package shall contain not less than approximately 300 milligrams taken from different parts of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup. 357)

This order, which provides for tests and methods of assay and certification of dibenzylethylenediamine dipenicillin G for aqueous injection; for a change in the expiration date for tablets aluminum penicillin from 12 months to 24 months; for a change in the expiration date for Buffered penicillin powder from 18 months to 24 months; and for a change in the maximum packaging requirement of procaine penicillin for aqueous injection from 10 milliliters to 12 milliliters (unless it is packaged for veterinary use and is conspicuously so labeled), shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with the affected industry and since it would be against public interest to delay providing for the changes set forth above.

Dated: June 24, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-7102; Filed, June 27, 1952; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter L—Yield Insurance

PART 291—YIELD INSURANCE; RIGHTS AND OBLIGATIONS OF INVESTOR UNDER INSURANCE CONTRACT

DATE AND TERM OF DEBENTURES

Section 291.8 (e) is hereby amended to read as follows:

§ 291.8 *Debentures.* * * *

(e) *Date and term of debentures.* The debentures issued under Title VII of the act to any investor shall be issued in accordance with the provisions of section 708 of the act, shall be dated as of the first day of the operating year in which

the project for which such debentures were issued was acquired by the Commissioner, shall bear interest at the rate of two and three-quarters percent (2¾%) per annum, payable semiannually on the first day of January and the first day of July of each year, and shall mature on the first day of July in the twentieth (20th) year following the date of issuance thereof. Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed at the option of the Commissioner with the approval of the Secretary of the Treasury at par and accrued interest on any interest payment date on 3 months' notice of redemption given in such manner as the Commissioner shall prescribe. Such debentures shall be issued in multiples of fifty dollars ($50) and any difference not in excess of fifty dollars ($50) between the amount of debentures to which the investor is otherwise entitled hereunder and the aggregate face value of the debentures issued shall be paid in cash by the Commissioner to the investor.

(Sec. 712, as added by sec. 401, 62 Stat. 1281; 12 U. S. C. and Sup. 1747k)

Issued at Washington, D. C., June 24, 1952.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 52-7098; Filed, June 27, 1952; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amdt. 11 to Supplementary Regulation 12]

CPR 22, SR 12—EXTENSION OF EFFECTIVE DATE FOR PARTICULAR COMMODITIES

DELETION OF POWER AND HAND LAWN MOWERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 11 to Supplementary Regulation 12 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment deletes "Lawn Mowers, power and hand" from the list of commodities included in Supplementary Regulation 12, Ceiling Price Regulation 22.

The Office of Price Stabilization has recently completed a financial survey of the lawn mower industry. The survey was instituted as a result of information submitted by industry members at an Industry Advisory Committee meeting, which indicated that increases in labor and material costs incurred after the "cut-off" dates fixed in CPR 22 might bring industry earnings below the minimum prescribed by the "industry earnings standard" of the so-called "Johnston Formula". The industry earning standard provides that the level of ceiling prices for an industry shall normally be considered "fair and equitable" under the Defense Production Act of 1950, as amended, if the dollar profits of the industry amount to 85 percent of the average for the industry's best three years during the period 1946–1949 inclusive, with adjustments made for any changes in net worth.

Financial data were obtained from a representative group of manufacturers of power and hand lawn mowers. An analysis of these data reveals that the ratio of profit to net worth for this industry is greater than 85 percent of the 1946–1949, inclusive, despite the increases in labor and materials cost.

Pending completion of the survey, power and hand lawn mowers were included in SR 12 to CPR 22. This was an interim measure until it could be determined whether or not a tailored regulation for the industry was necessary to satisfy the earnings standard. The result of the recent survey establishes that such a regulation is not required. Consequently, there is no reason for keeping lawn mowers under SR 12. The level of ceiling prices under CPR 22 appears to be high enough so that no ceiling price increase is required under the industry earnings standard.

After July 31, 1952, Ceiling Price Regulation 22, with its election privileges for small manufacturers, shall apply to the sale by manufacturers of hand and power lawn mowers.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Subparagraph 24 of Section 1 (b) of Supplementary Regulation 12 to Ceiling Price Regulation 22 is deleted.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date: This amendment is effective July 31, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7228; Filed, June 27, 1952; 12:09 p. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 29]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 29—CEILING PRICES FOR SEMI-VITREOUS DINNERWARE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 29 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes new ceiling prices for manufacturers of semi-vitreous dinnerware at a higher level than those previously in effect.

The Office of Price Stabilization has recently completed a financial survey of the semi-vitreous dinnerware industry. The survey was undertaken as the result of information submitted by industry members, at an Industry Advisory Committee Meeting, which indicated that the level of ceiling prices hitherto in effect for this industry was below the minimum prescribed by the "industry earnings standard" (the so-called "Johnston Formula"). The industry earnings standard provides that the level of ceiling prices for an industry shall normally be considered "fair and equitable" under the Defense Production Act of 1950, as amended, if the dollar profits of the industry amount to 85 percent of the average return on net worth for the industry's best three years during the period 1946–1949 inclusive. Financial data was obtained from a representative group of manufacturers in the semi-vitreous dinnerware industry, whose total sales represent over 95 percent of the industry's annual volume. Based upon these computations, the Director of Price Stabilization has determined that in order for the dollar profits of the industry to meet the industry earnings standard, ceiling prices for this industry would have to be established 6.25 percent above the present level of selling prices. Such ceiling prices would be generally fair and equitable. Accordingly, this supplementary regulation establishes ceiling prices for manufacturers of semi-vitreous dinnerware which are 106.25 percent of their highest selling prices since September 1, 1951.

This supplementary regulation applies only to manufacturers who have previously established ceiling prices under CPR 22. However, a supplementary regulation to the General Ceiling Price Regulation is being issued simultaneously herewith, which provides a corresponding adjustment for manufacturers subject to that regulation.

Manufacturers continue to have the election to determine their ceiling prices under the various regulations that were issued pursuant to the so-called "Capehart Amendment". If they do so, however, they may not use this supplementary regulation.

In the formulation of this supplementary regulation the Director has consulted with representatives of the industry, including trade association representatives and the Industry Advisory Committee, and has given consideration to their recommendations. In the judgment of the Director, the provisions of this supplementary regulation are generally fair and equitable; are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended; and comply with the applicable standards of that act.

REGULATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 through 5 issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes ceiling prices for sales by manufacturers of semi-vitreous dinnerware, replacing those previously established under sections 3 and 30 to 34 inclusive, of Ceiling Price Regulation 22, and Supplementary Regulation 2. CPR 22. All provisions of CPR 22 not inconsistent with this supplementary regulation remain in effect.

SEC. 2. *Ceiling prices for semi-vitreous dinnerware dealt in between September 1, 1951 and June 27, 1952, inclusive.* (a) Your ceiling price for sale of a semi-vitreous dinnerware product is 106.25 percent of the highest price at which you delivered it or, if you did not deliver it, at which you offered it for delivery, between September 1, 1951 and June 27, 1952 to a purchaser of the same class. If your highest price during this period exceeded the applicable ceiling price, your ceiling price under this regulation is 106.25 percent of the ceiling price in effect at the time you received your highest price.

(b) A ceiling price established under this section must be consistent in every respect with your CPR 22 ceiling price for the same semi-vitreous dinnerware product. It must carry the same delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees and other terms and conditions of sale.

SEC. 3. *Ceiling prices for semi-vitreous dinnerware which cannot be determined under section 2.* If you are unable to establish a ceiling price for any sale of semi-vitreous dinnerware under section 2 of this supplementary regulation, you must establish such ceiling price in accordance with section 30, 31, 32, 33 or 34 of CPR 22. Sections 30 and 32 require you to determine a ceiling price by reference to the ceiling price of another commodity, called here for convenience, your "reference commodity". In applying sections 30 or 32, use as the ceiling price of the "reference commodity" a ceiling price determined under this supplementary regulation.

SEC. 4. *Reports.* Prior to using this supplementary regulation you must have complied with the reporting requirements of sections 46 and 48, CPR 22. If you have filed an OPS Public Form No. 8 in compliance with these sections of CPR 22, you need not amend your Form 8 to reflect the adjustment authorized by this supplementary regulation.

SEC. 5. *Relationship of this supplementary regulation to other adjustment regulations.* Notwithstanding any provisions of this supplementary regulation, you may elect to use Supplementary Regulations 17 or 18 to Ceiling Price Regulation 22 or GOR 20 to establish your ceiling prices for semi-vitreous dinnerware. If you so elect, you may not use the provisions of this supplementary regulation.

Effective date. The effective date of this supplementary regulation is June 27, 1952.

NOTE: The record keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7229; Filed, June 27, 1952; 12:09 p. m.]

[Ceiling Price Regulation 25, Amdt. 4 to Revision 1, Cor.]

CPR 25—REVISED CEILING PRICES OF BEEF ITEMS SOLD AT RETAIL

Due to typographical errors, Item 13 of Amendment 4 to this regulation lists Zone 13 instead of Zone 3 under the heading for Section 42 (b) and Item 14 of Amendment 4 to this regulation lists Zone 15 instead of Zone 16 under the heading for Section 42 (c). Accordingly, the heading under Section 42 (b) in Item 13 is corrected by deleting Zone 13 therefrom and substituting therefor Zone 3 and the heading under Section 42 (c) in Item 14 is corrected by deleting Zone 15 therefrom and substituting therefor Zone 16.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7230; Filed, June 27, 1952; 12:09 p. m.]

[Ceiling Price Regulation 72, Amdt. 2]

CPR 72—MIXED FERTILIZER AND FERTILIZER MATERIALS SOLD IN PUERTO RICO BY MIXERS AND PACKAGERS

EXTENDING GEOGRAPHIC COVERAGE TO THE TERRITORY OF HAWAII

Pursuant to the Defense Production Act of 1950, as amended, (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Ceiling Price Regulation 72 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 72, which was issued September 5, 1951, establishes ceiling prices for mixed fertilizer and fertilizer materials sold in Puerto Rico by mixers and packagers. This regulation provides for the quarterly recomputation of ceiling prices to reflect changes in direct and indirect costs.

This amendment to CPR 72 extends the geographical coverage of that regulation to the Territory of Hawaii.

There is in Hawaii one producer of fertilizer. Since the fertilizer is processed in the Territory of Hawaii, the ceiling price for its sale is established by the General Ceiling Price Regulation. The GCPR establishes ceiling prices on the basis of the highest prices in effect during the base period, December 19, 1950 to January 25, 1951. Since that time, however, there have been substantial increases in the cost of fertilizer materials purchased from the mainland. The use of this regulation instead of the GCPR will make it possible for the Hawaii processor to reflect those increases in cost in determining his ceiling price, and will, therefore, ease the squeeze on the margin of the Hawaii processor.

The Office of Price Stabilization has conferred with the Hawaii processor and full consideration has been given to his recommendations. In the opinion of the Director, this regulation is necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 72 is amended in the following respects:

1. The title of CPR 72 is changed to read "Mixed Fertilizer and Fertilizer Materials sold in Puerto Rico and in the Territory of Hawaii by Mixers and Packagers."

2. Section 2 of CPR 72 is amended to read:

SEC. 2. *Geographical applicability.* The provisions of this regulation shall apply in Puerto Rico and in the Territory of Hawaii.

3. Section 3 (a) of CPR 72 is amended to read:

(a) On and after the effective date of this regulation, regardless of any contract, agreement, or other obligation, no manufacturer shall sell or deliver, and no person shall buy or receive from such manufacturer in the course of trade or business, any mixed fertilizer materials in Puerto Rico or in the Territory of Hawaii at a price higher than the ceiling prices established by this regulation, and no person shall offer, solicit or attempt to do any of the foregoing.

4. Section 4 (c) of CPR 72 is amended to read as follows:

(c) *Mixed Fertilizer.*—(1) *Puerto Rico.* The term "mixed fertilizer" as it is used in Puerto Rico, means any mixture of fertilizer materials containing two or more of the essential plant nutrients in the proportion specified by the Department of Agriculture and Commerce of Puerto Rico.

(2) *Hawaii.* The term "mixed fertilizer" as it is used in Hawaii, means any mixture of fertilizer materials containing two or more essential plant nutrients.

5. Section 11 (b) is amended to read as follows:

(b) *Reports.* You must file with the Territorial Office of Price Stabilization for Puerto Rico or for Hawaii, as the

case may be, within the time indicated, the following data:

(1) Base period prices must be filed by September 30, 1951, by mixers and packagers in Puerto Rico, and by June 30, 1952, by mixers and packagers in Hawaii.

(2) Base cost must be filed by September 30, 1951, by mixers and packagers in Puerto Rico, and by June 30, 1952, by mixers and packagers in Hawaii.

(3) Current ceiling prices must be filed within 5 days from each computation date.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

Effective date. This Amendment 2 to Ceiling Price Regulation 72 is effective July 2, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7240; Filed, June 27, 1952; 4:00 p. m.]

[Ceiling Price Regulation 151]

CPR 151—APPALACHIAN HARDWOOD LUMBER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 151 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes specific dollars-and-cents ceiling prices at the manufacturing level for hardwood lumber produced in the Appalachian Hardwood Region, which consists of the State of West Virginia and parts of the states of Georgia, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, and Virginia. The hardwood lumber covered by this regulation is produced from deciduous trees, the most important of which are tough ash, birch, cherry, and hard and soft maple; and the soft-textured woods, viz. basswood, red and white oaks, and poplar.

The Appalachian hardwood lumber industry consists of some 7,000 mills, most of which are small operations producing less than one million board feet per year. A substantial part of the total production is from a relatively few integrated companies which turn out rough and surfaced lumber, and various lumber products. The total output of the hardwood industry in this area, according to the Census of Manufacturers in 1947, was 1.3 billion board feet, which was over 17 percent of the total hardwood lumber production in the United States. Approximately one-third of the lumber produced in the Appalachian Hardwood Region is consumed by its own wood-using industries and by construction users within the region.

Ceiling prices are set at the mill level on an f. o. b. mill basis. The regulation also provides for sales on a delivered basis, in which case established weights set forth in this regulation must be applied in computing transportation additions. A table of percentages is given for use in computing the weights of kiln-dried, surfaced, and resawn lumber.

Four price zones are established based on freight rates to the Northern markets. Zone 1 is the zone of maximum freight rates. Most of the ceiling prices in each of Zones 2, 3 and 4 increase $2.00 per thousand feet progressively as the freight rates decrease for each zone. These zones are established in recognition of historical differentials in prices at the mill level.

The regulation requires that the lumber covered be graded in accordance with the 1952 "Rules for the Measurement and Inspection of Hardwood Lumber, Cypress, Veneers and Thin Lumber," published by the National Hardwood Lumber Association.

Pending the issuance of an applicable service regulation, lumber sold surfaced, resawn, and/or kiln-dried may include a charge not to exceed the highest amount added for such services in a sale to a purchaser of the same class made during the period of January 25, 1951, through February 24, 1951.

Lumber sold on specifications for special widths and/or lengths may include a charge not to exceed the highest amount added for such special sizes in a sale to a purchaser of the same class made during the period of January 25, 1951, through February 24, 1951.

The ceiling price of each of several items stated in the regulation for which dollars-and-cents ceiling prices are not shown is the highest price charged for each item to a purchaser of the same class made during the period of January 25, 1951, through February 24, 1951.

The provision in the regulation permitting an addition for commission-type sales is similar to provisions contained in several other lumber regulations already issued by OPS. However, some question has been raised as to the justification for this provision. OPS is giving the matter further study and will consult further with industry representatives regarding it. If any changes are found to be necessary they will be made simultaneously with respect to all lumber regulations.

Provision is made for additions to ceiling prices for retail-type sales, mixed shipments, less than carload lot shipments, bundling, stenciling, and anti-stain treatment. These additions are included in this tailored regulation in order to insure continuation of standard industry practices under price control.

By establishing dollars and cents ceilings for the various species, grades, and sizes of green and air-dried hardwood lumber at the prevailing level of the GCPR ceilings, this regulation eliminates the distorted pattern frozen under the GCPR and establishes ceiling prices at a level which is not inflationary, and yet which should be high enough to insure production adequate for the needs of the defense mobilization program. This level of lumber prices is not below the lower of (a) the level of such prices prevailing just before the issuance of this regulation, or (b) the level of such prices prevailing during the period January 25, 1951, through February 24, 1951.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24 to June 24, 1950, inclusive; to prices prevailing from January 25 to February 24, 1951, inclusive; and to prices prevailing just before the issuance of this regulation; and to relevant factors of general applicability.

In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included two meetings with the Appalachian Hardwood Industry Advisory Committee, and two meetings with a subcommittee thereof.

Every effort has been made to conform this regulation to business practices existing in the Appalachian Hardwood Region with respect to the production, sale, and distribution of hardwood lumber produced in that area. Insofar as any provisions of this regulation may operate to compel changes in these business practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

ARTICLE I—COVERAGE

ARTICLE II—ZONE DIFFERENTIALS

ARTICLE III—CEILING PRICES

ARTICLE IV—COMMISSION-TYPE SALES AND RETAIL-TYPE DIRECT-MILL SALES

ARTICLE V—CEILING PRICE ADDITIONS

ARTICLE VI—OTHER CEILING PRICE PROVISIONS

ARTICLE VII—MISCELLANEOUS PROVISIONS

AUTHORITY: Sections 1.1 through 7.9 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—COVERAGE

SECTION 1.1 *What this regulation does.* This regulation establishes manufacturers' dollars and cents ceiling prices for most standard grades and items of dry and green rough hardwood lumber produced in the Appalachian Hardwood Region (as defined in section 1.3). The regulation also provides ceiling prices for special items.

SEC. 1.2 *Which regulation is superseded.* Except as otherwise provided in section 7.4 (a), the General Ceiling Price Regulation is superseded in respect to all transactions covered by this regulation.

SEC. 1.3 *Items, species, and area of production covered.* (a) This regulation covers all hardwood lumber produced in the Appalachian Hardwood Region. It does not cover items fabricated from lumber such as flooring, hand rails, mouldings, step treads and thresholds, and sawn timbers such as cross ties, mine ties, switch ties, mine material, navy oak ship stock, and small dimension stock.

(b) The term "hardwood lumber" refers to all lumber produced from broad-leaved deciduous trees, and specifically includes the following species: Tough ash (Fraxinus americana), Basswood (Tilia americana), Beech (Fagus grandifolia), Birch (Betula lutea), Buckeye (Aesculus octandra), Butternut (Juglans cinerea), Cherry (Prunus serotina), Chestnut (Castanea dentata), Elm (Ulmus sp.), Black gum (Nyssa sylvatica), Hickory (Carya sp.), Hard maple (Acer saccharum), Soft maple (Acer rubrum), Red oak (Quercus sp.), White oak (Quercus sp.), Poplar (Liriodendron tulipifera), Sycamore (Platanus occidentalis), and Walnut (Juglans nigra).

(c) The term "Appalachian Hardwood Region" refers to an area which includes West Virginia; the following counties in Kentucky: Bell, Boyd, Breathitt, Carter, Clay, Clinton, Cumberland, Elliott, Estill, Floyd, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, McCreary, Magoffin, Martin, Menifee, Monroe, Morgan, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Rowan, Russell, Wayne, Whitley, and Wolfe; the following counties in Tennessee: Anderson, Bledsoe, Blount, Bradley, Campbell, Cannon, Carter, Claiborne, Clay, Cocke, Coffee, Cumberland, De Kalb, Fentress, Franklin, Grainger, Green, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, McMinn, Marion, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Sevier, Smith, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, and White; the following counties in Georgia: Dawson, Fanning, Gilmer, Habersham, Lumpkin, Pickens, Rabun, Stephens, Towns, Union, and White; the following counties in South Carolina: Greenville, Oconee, and Pickens; the following counties in North Carolina: Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, and Yancey; the following counties in Virginia: Albemarle, Alleghany, Amherst, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Carroll, Clarke, Craig, Dickenson, Fauquier, Floyd, Franklin, Frederick, Giles, Grayson, Greene, Highland, Lee, Loudoun, Madison, Montgomery, Nelson, Page, Patrick, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, and Wythe; and the following counties in Maryland: Allegany, Frederick, Garrett, and Washington.

SEC. 1.4 *Sellers and transactions covered.* (a) This regulation applies to every sale by manufacturers of the lumber covered by this regulation, whether effected directly, or through lumber commission salesmen, and whether the sale is made to a wholesaler, retailer, industrial user, or to any other consumer or reseller. Section 4.1 of this regulation provides an addition to cover the services of a lumber commission salesman. Supplementary Regulation 87 to the General Ceiling Price Regulation establishes a formula for determining wholesalers' and other resellers' markups which may be added to manufacturers' selling prices. The ceiling prices for export sales are covered by Ceiling Price Regulation 61, except as otherwise set forth in section 5.1 (a) (3) of this regulation.

(b) The term "manufacturer" includes sawmills, planing mills, and concentration yards. Sawmills are establishments producing rough lumber from logs by sawing. Planing mills are establishments surfacing lumber by planing. Concentration yards are establishments which receive rough lumber chiefly in green condition from several manufacturers; prepare it for commercial shipment by grading, resorting, drying, planing, resawing, or other processing; and sell their lumber chiefly to large industrial users, resellers, or building contractors.

The term "lumber commission salesman" is defined in section 4.1.

SEC. 1.5 *Geographical applicability.* Every manufacturer's sale for delivery (f. o. b. mill or on a delivered basis) in the forty-eight states of the United States and the District of Columbia, is subject to this regulation, whether or not the sale of the lumber is made in the United States.

SEC. 1.6 *How to determine your ceiling prices.* (a) This section furnishes a general guide as to how to determine your ceiling prices under this regulation. It also shows how ceiling price provisions of this regulation are related to each other.

(b) The basic ceiling prices established in Article III of this regulation are f. o. b. mill ceiling prices. Additions to these ceiling prices may be made under the circumstances shown in the table below:

Additions	*Where shown in regulation*
Zone differentials based on proximity to key Northern markets	Article II.
Shipments in straight or mixed cars of No. 1 Common or Better grades	Section 3.1
Special widths and lengths	Section 3.2.
Sales through lumber commission salesmen	Section 4.1.
Retail-type sales	Section 4.2.
Special services required	Article V.
Sales on a delivered basis	Section 6.2.
Mixed car shipments	Section 6.3.

(c) The ceiling prices for various standard grades and items of lumber subject to this regulation are shown in section 3.1; for Bending Oak and other listed grades, in section 3.3; for dunnage, in section 3.4; for tie siding, in section 3.5; for construction boards, in section 3.6; for residue lumber, in section 3.7; for ungraded lumber, in section 3.8; and for lumber that is kiln-dried, resawn, and/or surfaced, in section 3.9. Note that under certain circumstances described in section 6.5 your ceiling prices as otherwise determined under this regulation are reduced by a discount for cash.

ARTICLE II—ZONE DIFFERENTIALS

SEC. 2.1 *Freight rate groups.* (a) Mills covered by this regulation are divided into four groups, and different f. o. b. mill ceiling prices are made applicable to each group. These groupings are based on freight rates from the mills to Cleveland, Ohio. The freight rates referred to in this section are those in effect on the effective date of this regulation. Changes in freight rates after the effective date of this regulation will not affect the group classification of a mill.

Group 1 mills—Mills for which the rail freight rate to Cleveland, Ohio, is 60 cents per cwt. or greater.

Group 2 mills—Mills for which the rail freight rate to Cleveland, Ohio, is from 53 cents per cwt. up to but not including 60 cents per cwt.

Group 3 mills—Mills for which the rail freight rate to Cleveland, Ohio, is from 46 cents per cwt. up to but not including 53 cents per cwt.

Group 4 mills—Mills for which the rail freight rate to Cleveland, Ohio, is less than 46 cents per cwt.

(b) For mills located in the groups described in paragraph (a) of this section, the f. o. b. mill ceiling prices established in Sections 3.1, 3.5, 3.6 and 3.7 for lumber of all species, grades, and thicknesses, with the exception of Hard

Maple, Red Oak, and White Oak in No. 2 Common or lower grades, are subject to the following additions per thousand feet:

For Group 1 mills—No addition.
For Group 2 mills—$2.00.
For Group 3 mills—$4.00.
For Group 4 mills—$6.00.

ARTICLE III—CEILING PRICES

SEC. 3.1. *Graded rough hardwood lumber.* The ceiling prices f. o. b. mill and the established air-dried weights for standard grades of rough hardwood lumber in random widths and lengths, produced in the Appalachian Hardwood Lumber Region, are as follows: (All prices shown are per thousand feet.)

(1) FIRM TO TOUGH ASH

AIR-DRIED OR GREEN

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS	FAS 1 Face	No. 1 Common	No. 2 Common	No. 3 Common
3/4	3,300	$190	$140	$100	$65	----
4/4	3,900	170	160	115	70	$44
5/4	3,900	180	170	125	73	45
6/4	4,000	190	180	130	75	45
8/4	4,100	200	190	150	85	47
10/4	4,100	225	215	160	90	50
12/4	4,200	245	235	175	98	50
16/4	4,200	255	245	185	103	50

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Firm to Tough Ash of grades FAS 1 Face, FAS, or both, respectively.

When sold as, and shipped in, straight or mixed cars of No. 1 Common or No. 1 Common and Better, you may add not more than $10.00 per thousand feet to the applicable ceiling prices listed above for Firm to Tough Ash of grades No. 1 Common, FAS 1 Face, and FAS.

(2) BASSWOOD

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2A Common		No. 2B Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
2/4	2,800	$170	$128	$160	$120	$115	$86	$70	$53	----	----	----	----
4/4	3,000	190	143	180	135	135	101	85	64	$68	$51	$45	$34
5/4	3,100	195	146	185	139	140	105	88	71	73	55	45	34
6/4	3,100	200	150	190	143	145	109	100	75	80	60	45	34
8/4	3,200	205	154	195	146	153	116	103	77	80	60	45	34
10/4	3,200	215	161	205	154	160	120	106	80	85	71	----	----
12/4	3,400	225	169	215	161	170	128	106	80	95	71	----	----
16/4	3,400	240	180	230	173	180	135	111	83	97	73	----	----

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Basswood of grades FAS 1 Face, FAS, or both, respectively.

For 4/4" 2"–5½" wide clear Basswood strips, your ceiling price is $190.00 per thousand feet.

For 4/4" 2"–5½" wide clear 1 Face Basswood strips, your ceiling price is $150.00 per thousand feet.

For 4/4" 2"–5½" wide No. 1 Common Basswood strips, your ceiling price is $125.00 per thousand feet.

(3) BEECH

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3A Common		No. 3B Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,600	$125	$75	$115	$69	$95	$57	$65	$39	----	----	----	----
3/4	3,100	125	75	115	69	95	57	65	39	----	----	----	----
4/4	4,100	145	87	135	81	112	67	72	43	$62	$37	$45	$27
5/4	4,200	153	93	145	87	120	72	78	45	62	37	45	27
6/4	4,300	165	99	155	93	125	75	77	46	62	37	45	27
8/4	4,400	175	105	165	99	135	81	84	50	62	37	45	27

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $10.00 per thousand feet to the applicable ceiling prices listed above for Beech of grades FAS 1 Face, FAS, or both, respectively.

(4) BIRCH

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3A Common		No. 3B Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,100	$230	$138	$220	$132	$180	$90	$80	$48	$70	$42	$45	$27
5/4	4,200	240	144	230	138	155	93	83	50	70	42	45	27
6/4	4,300	245	147	235	141	160	96	85	51	70	42	45	27
8/4	4,400	250	150	240	144	165	99	90	54	70	42	45	27
10/4	4,500	260	156	250	150	175	105	95	57	----	----	----	----
12/4	4,600	275	165	265	159	185	111	100	60	----	----	----	----

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Birch of grades FAS 1 Face, FAS, or both, respectively.

(5) BUCKEYE

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,000	$135	$81	$125	$75	$100	$60	$65	$39	$30	$18
5/4	3,100	155	93	145	87	110	66	70	42	30	18
6/4	3,100	165	99	155	93	118	71	73	44	30	18
8/4	3,200	170	102	160	96	123	74	78	47	30	18

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $20.00 per thousand feet to the applicable ceiling prices listed above for Buckeye of grades FAS 1 Face, FAS, or both, respectively.

(6) BUTTERNUT

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	2,900	$175	$106	$165	$99	$120	$72	$65	$39	$45	$27
5/4	3,000	185	111	175	105	125	75	65	39	45	27
6/4	3,100	190	114	180	108	130	78	65	39	45	27
8/4	3,300	195	117	185	111	140	84	70	42	45	27

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Butternut of grades FAS 1 Face, FAS, or both, respectively.

(7) CHERRY

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,100	$220	$132	$210	$126	$150	$90	$90	$54	$45	$27
5/4	4,100	230	138	220	132	165	99	95	57	45	27
6/4	4,200	240	144	230	138	170	102	95	57	45	27
8/4	4,300	250	150	240	144	180	108	100	60	45	27
10/4	4,300	270	162	260	156	190	114	------	------	------	------
12/4	4,400	280	168	270	162	200	120	------	------	------	------
16/4	4,400	290	174	280	168	210	126	------	------	------	------

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Cherry of grades FAS 1 Face, FAS, or both, respectively.

When sold as, and shipped in, straight or mixed cars of No. 1 Common or No. 1 Common and Better, you may add not more than $10.00 per thousand feet to the applicable ceiling prices listed above for Cherry of grades No. 1 Common, FAS 1 Face, and FAS.

(8) CHESTNUT

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		No. 1 Common		FAS WHND		FAS 1 Face WHND	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,000	$365	$99	$115	$69	$135	$81	$125	$75
5/4	3,000	170	102	120	72	140	84	130	78
6/4	3,300	170	102	120	72	140	84	130	78
8/4	2,400	175	105	125	75	150	90	140	84

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	No. 1 Common and Better WHND		No. 1 Common WHND		Sound Wormy		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,000	$125	$75	$100	$60	$85	$51	$62	$37	$40	$24
5/4	3,000	130	78	105	63	90	54	64	38	40	24
6/4	3,300	130	78	105	63	90	54	64	38	40	24
8/4	3,400	140	84	110	66	95	57	65	39	40	24

(9) MOUNTAIN ELM

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,000	$108	$65	$98	$59	$81	$49	$60	$36	$40	$24
5/4	4,000	117	70	107	64	86	52	62	37	40	24
6/4	4,100	122	73	112	67	91	55	63	38	40	24
8/4	4,200	127	76	117	70	95	57	65	39	40	24
10/4	4,200	135	81	125	75	105	63	70	42	40	24
12/4	4,300	140	84	130	78	110	66	70	42	40	24

(10) BLACK GUM

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,400	$130	$78	$120	$72	$110	$66	$58	$35	$37	$22
5/4	3,500	140	84	130	78	120	72	60	36	37	22
6/4	3,600	145	87	135	81	125	75	61	37	37	22
8/4	3,800	155	93	145	87	135	81	63	38	37	22

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $15.00 per thousand feet to the applicable ceiling prices listed above for Black Gum of grades FAS 1 Face, FAS, or both, respectively.

(11) HICKORY

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,700	$135	$81	$125	$75	$79	$47	$54	$32	$45	$27
5/4	4,800	145	87	135	81	85	51	60	36	45	27
6/4	4,900	155	93	145	87	90	54	64	38	45	27
8/4	5,100	175	105	165	99	95	57	65	39	45	27
10/4	5,200	185	111	175	105	104	62	65	39	------	------
12/4	5,300	200	120	190	114	113	68	65	39	------	------
16/4	5,300	210	126	200	120	115	69	65	39	------	------

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Hickory of grades FAS 1 Face, FAS, or both, respectively.

(12) HARD MAPLE

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3A Common		No. 3B Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
3/4	3,600	$162	$97	$152	$91	$97	$58	$80	$36	------	------	------	------
4/4	4,200	202	121	192	115	132	79	80	48	$70	$42	$42	$25
5/4	4,400	210	126	200	120	140	84	82	49	72	43	45	27
6/4	4,500	215	129	205	123	145	87	85	51	72	43	45	27
8/4	4,700	220	132	210	126	150	90	90	54	74	44	47	28
10/4	4,800	240	144	230	138	170	102	------	------	------	------	------	------
12/4	4,900	255	153	245	147	185	111	------	------	------	------	------	------
16/4	5,100	275	165	265	159	200	120	------	------	------	------	------	------

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Hard Maple of grades FAS 1 Face, FAS, or both, respectively.

For No. 1 white Hard Maple, you may add not more than $25.00 per thousand feet to the applicable ceiling prices listed above for Hard Maple of all grades.

For No. 1 and No. 2 white Hard Maple, when shipped mixed and loaded separately, you may add not more than $20.00 per thousand feet to all applicable ceiling prices listed above for Hard Maple of all grades.

For No. 2 white Hard Maple, you may add not more than $15.00 per thousand feet to the ceiling prices listed above for Hard Maple of all grades.

(13) HARD MAPLE—CURLY

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,300	$240	$144	$230	$138	$150	$90
5/4	4,400	250	150	240	144	160	96
6/4	4,500	255	153	245	147	165	99

(14) SOFT MAPLE

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	2,900	$170	$102	$160	$96	$120	$72	$70	$42	$45	$27
5/4	4,000	180	108	170	102	130	78	74	44	45	27
6/4	4,100	185	111	175	105	135	81	76	46	45	27
8/4	4,300	190	114	180	108	140	84	80	48	45	27
10/4	4,400	200	120	190	114	155	93	------	------	------	------
12/4	4,500	210	126	200	120	165	99	------	------	------	------
16/4	4,700	225	135	215	129	180	108	------	------	------	------

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Soft Maple of grades FAS 1 Face, FAS, or both, respectively.

When sold as, and shipped in, straight or mixed cars of No. 1 Common or No. 1 Common and Better, you may add not more than $10.00 per thousand feet to the applicable ceiling prices listed above for Soft Maple of grades No. 1 Common, FAS 1 Face, and FAS.

(15) RED OAK—PLAIN

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		Sound Wormy		No. 3A Common		No. 3B Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,600	$150	$90	$140	$84	$100	$60	$68	$41	$68	$41	$50	$30	$40	$24
3/4	3,200	160	96	150	90	105	63	70	42	70	42	50	30	40	24
4/4	4,300	190	114	180	108	125	75	84	50	84	50	74	44	45	27
5/4	4,300	200	120	190	114	135	81	89	53	89	53	79	47	45	27
6/4	4,400	210	126	200	120	140	84	95	57	95	57	85	51	45	27
8/4	4,600	220	132	210	126	150	90	100	60	100	60	90	54	45	27
10/4	4,700	240	144	230	138	165	99	100	60	100	60	------	------	------	------
12/4	4,800	250	150	240	144	170	102	100	60	100	60	------	------	------	------
16/4	5,000	260	156	250	150	175	105	100	60	100	60	------	------	------	------

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of grades FAS 1 Face, FAS, or both, respectively.

When Quartered Red Oak is sold as, and shipped in, straight or mixed cars of No. 1 Common or Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of grades No. 1 Common, FAS 1 Face, and FAS.

For rift sawn Red Oak in all grades and thicknesses 4" and wider, you may add not more than $40.00 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of the same grades.

For FAS Plain Red Oak step plank, you may add not more than $45.00 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of FAS grade.

For No. 1 Common Plain Red Oak step plank, you may add not more than $35.00 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of No. 1 Common grade.

For FAS Plain Red Oak sill stock, you may add not more than $35.00 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of FAS grade.

For No. 1 Common Plain Red Oak sill stock, you may add not more than $25.00 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of No. 1 Common grade.

When mixed Plain Red Oak and Plain White Oak lumber is shipped, you must use the Plain Red Oak ceiling prices unless the species are loaded separately in the shipment.

(16) WHITE OAK—PLAIN

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		Sound Wormy		No. 2A Common		No. 3B Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,600	$162	$97	$152	$91	$100	$60	$68	$41	$68	$41	$50	$30	$40	$24
3/4	3,200	172	103	162	97	105	63	70	42	70	42	50	30	40	24
4/4	4,200	215	129	205	123	130	78	84	50	84	50	74	44	45	27
5/4	4,300	230	138	220	132	145	87	89	53	89	53	79	47	45	27
6/4	4,400	235	141	225	135	150	90	95	57	95	57	85	51	45	27
8/4	4,600	245	147	235	141	160	96	100	60	100	60	90	54	45	27
10/4	4,700	255	153	245	147	170	102	100	60	100	60	------	------	------	------
12/4	4,800	275	165	265	159	185	111	100	60	100	60	------	------	------	------
16/4	5,000	285	171	275	165	195	117	100	60	100	60	------	------	------	------

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $35.00 per thousand feet to the applicable ceiling prices listed above for Plain White Oak of grades FAS 1 Face, FAS, or both, respectively.

For FAS Plain White Oak step plank, you may add not more than $55.00 per thousand feet to the applicable ceiling prices listed above for Plain White Oak of FAS grade.

For No. 1 Common Plain White Oak step plank, you may add not more than $45.00 per thousand feet to the applicable ceiling prices listed above for Plain White Oak of No. 1 Common grade.

For FAS Plain White Oak sill stock, you may add not more than $35.00 per thousand feet to the applicable ceiling prices listed above for Plain White Oak of FAS grade.

For No. 1 Common Plain White Oak sill stock, you may add not more than $25.00 per thousand feet to the applicable ceiling prices listed above for Plain White Oak of No. 1 Common grade.

(17) WHITE OAK—BP AND WHND

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common and Better		No. 1 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,200	$125	$75	$115	$69	$95	$57	$90	$54
5/4	4,300	140	84	130	78	110	66	105	63
6/4	4,400	150	90	140	84	120	72	115	69
8/4	4,600	160	96	150	90	130	78	120	72
10/4	4,700	165	99	155	93	140	84	130	78
12/4	4,800	180	108	170	102	150	90	140	84
16/4	5,000	190	114	180	108	160	96	150	90

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for BP and WHND White Oak of grades FAS 1 Face, FAS, or both, respectively.

(18) WHITE OAK—QUARTERED

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common		Strips			
												2-5¼ Clear		2-5½ Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
3/4	3,200	$235	$141	$225	$135	$144	$86	------	------	------	------	------	------	------	------
4/4	4,200	260	156	250	150	160	96	$85	$51	$70	$42	$200	$120	$140	$84
5/4	4,300	275	165	265	159	175	105	92	55	80	48	------	------	------	------
6/4	4,400	285	171	275	165	180	108	100	60	------	------	------	------	------	------
8/4	4,600	295	177	285	171	190	114	100	60	------	------	------	------	------	------
10/4	4,700	315	189	305	183	215	129	------	------	------	------	------	------	------	------
12/4	4,800	340	204	330	198	230	138	------	------	------	------	------	------	------	------

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $35.00 per thousand feet to the applicable ceiling prices listed above for quartered White Oak of grades FAS 1 Face, FAS, or both, respectively.

For rift sawn White Oak in all grades and thicknesses, 4" and wider, you may add not more than $10.00 per thousand feet to the applicable ceiling prices listed above for quartered White Oak of the same grades.

(19) POPLAR

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		Saps		No. 1 Common		No. 2A Common		No. 2B Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,000	$170	$128	$160	$120	$150	$113	$110	$83	$75	$56	$55	$41	$35	$26
3/4	2,500	180	135	170	128	160	120	120	90	80	60	55	41	35	26
4/4	3,200	223	167	213	160	203	152	145	109	95	71	70	53	40	30
4/4 (Bung)	3,200	------	------	------	------	------	------	155	116	110	83	72	54	------	------
5/4	3,300	228	171	218	164	208	156	150	113	98	74	72	54	42	32
6/4	3,400	230	173	220	165	210	158	155	116	101	76	72	54	42	32
8/4	3,600	245	184	235	176	225	169	165	124	106	80	74	55	42	32
10/4	3,700	255	191	245	184	235	176	170	128	108	81	74	55	42	32
12/4	3,800	270	203	260	195	250	188	180	135	115	86	74	55	42	32
16/4	4,000	305	229	295	221	285	214	200	150	120	90	75	56	42	32

When sold as, and shipped in, straight or mixed cars of Saps, FAS 1 Face, FAS, or Saps and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Poplar of grades Saps, FAS 1 Face, and FAS.

For all grades and thicknesses of Quartered Poplar, you may add not more than $30.00 per thousand feet to the applicable ceiling prices for plain sawn Poplar.

(20) POPLAR SQUARES (AIR-DRIED OR GREEN)

Thickness (inch)	Established weight (pounds per 1,000 feet)	FAS	No. 1 Common and Sound
3 x 3	4,800	$230	$165
4 x 4	4,850	235	175
5 x 5	4,900	260	180
6 x 6	4,950	270	190
7 x 7	5,000	315	225
8 x 8	5,150	340	240
10 x 10	5,400	370	270

(21) SYCAMORE.

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,400	$115	$69	$105	$63	$95	$57	$60	$36

SEC. 3.2. *Special widths and lengths.* Your ceiling price f. o. b. mill, when not specifically stated elsewhere in this regulation, for lumber covered by this regulation of special width and/or length, is determined as follows:

(a) Take the f. o. b. mill ceiling price of the standard item of the same species, grade and thickness for which a dollars-and-cents ceiling price is set forth in this regulation, and add thereto the highest amount or amounts which you added for such special width and/or length to the price of the same standard item in your f. o. b. sales or contracts to sell to a purchaser of the same class during the period January 25, 1951 through February 24, 1951.

(b) If you did not sell or contract to sell lumber of the same species, grade, and thickness with the special width and/or length during the period January 25, 1951 through February 24, 1951, take the f. o. b. mill ceiling price of the standard item of the same species, grade, and thickness for which a dollars-and-cents ceiling price is set forth in this regulation, and add thereto the highest amount or amounts which you added for such special width and/or length to the price of the most nearly comparable standard item in your f. o. b. sales or contracts to sell to a purchaser of the same class during the period January 25, 1951 through February 24, 1951.

SEC. 3.3. *Bending Oak and other listed grades.* Your ceiling price f. o. b. mill for any item of lumber covered by this regulation within any of the grades or combination of grades listed below, when not specifically stated elsewhere in this regulation, is the highest f. o. b. price at which you sold or contracted to sell such item to a purchaser of the same class during the period January 25, 1951, through February 24, 1951:

Bending Oak
Bridge plank and crossing plank
Common dimension
Freight car stock
Milpak
Mine car lumber
Select car stock
Select dimension
Sound square edge
Timbers

NOTE: In determining your ceiling prices under this section, you may not add a zone differential as provided in section 2.1.

SEC. 3.4. *Dunnage.* Dunnage ceiling prices, which include all charges for delivery to ports, are as follows:

Port of delivery	Ceiling delivered prices per thousand feet
Corpus Christi, Tex	$39.00
Houston, Tex	39.00
Galveston, Tex	39.00
Beaumont, Tex	39.00
Port Arthur, Tex	39.00
Lake Charles, La	39.00
Morgan City, La	39.00
New Orleans, La	39.00
Gulfport, Miss	39.00
Mobile, Ala	39.00
Pensacola, Fla	39.00
Tampa, Fla	39.00
Norfolk, Va	42.00
Portsmouth, Va	42.00
Charleston, S. C	42.00
Savannah, Ga	42.00
Jacksonville, Fla	42.00
Baltimore, Md	52.00
Philadelphia, Pa	53.00
Newark, N. J	54.00
New York, N. Y	54.00
Brooklyn, N. Y	54.00
Boston, Mass	55.00

SEC. 3.5. *Rough tie siding.* Ceiling prices f. o. b. mill for rough tie siding sold on grade are $5.00 per thousand feet lower than the ceiling prices for the same grade and species of standard lumber in regular widths and lengths as shown in the price tables in section 3.1.

SEC. 3.6. *Construction boards.* The ceiling prices f. o. b. mill for construction boards, random lengths, rough, in the grades and sizes shown, are as follows:

Grade	1" x 4"		1" x 6"		1" x 8"		1" x 10"		1" x 12"	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
No. 1	$70	$42	$75	$45	$80	$48	$85	$51	$90	$54
No. 2	60	36	65	39	70	42	75	45	80	48
No. 3	55	33	60	36	65	39	70	42	75	45

SEC. 3.7 *Residue sales.* The ceiling price for residue ungraded lumber is $30.00 per thousand feet f. o. b. mill. The term "residue ungraded lumber" is the below-grade lumber commonly called "culls" or "scoots."

SEC. 3.8. *Ungraded hardwood lumber.* When lumber covered by this regulation is sold ungraded as log run, mill run, No. 1 Common and Better, or any other combination of grades, the ceiling price for the entire shipment shall be the ceiling price for the lowest priced species and grade included in the shipment. If any of the lumber so sold is shipped green, the ceiling price of all lumber in the shipment shall be the ceiling price for green lumber of the lowest priced species and grade included in the shipment.

SEC. 3.9. *Kiln-dried, resawn, and surfaced lumber.* If you sell lumber subject to this regulation which is kiln-dried, resawn, and/or surfaced in accordance with the purchaser's specification, your ceiling price f. o. b. mill for such lumber is determined by taking the applicable f. o. b. mill ceiling prices for air-dried rough lumber set forth in this regulation, and adding thereto the highest amount or amounts which you added for such kiln-drying, resawing, and/or surfacing in your f. o. b. sales or contracts to sell to a purchaser of the same class during the period January 25, 1951, through February 24, 1951. The provisions of this paragraph are to apply until such time as specific additions for kiln-drying, resawing, and/or surfacing are made uniformly applicable to manufacturers covered by this regulation.

SEC. 3.10. *How to calculate weights for shipping kiln-dried, surfaced, and resawn lumber.* This section provides a procedure for determining the weights of kiln-dried, surfaced, and resawn lumber. These weights are authorized for use in determining transportation charges in the calculation of ceiling delivered prices as provided in section 6.2.

(a) *Kiln-dried lumber.* The established shipping weight for kiln-dried lumber is 10 percent less than the applicable air-dried weight shown in the tables of section 3.1, rounded to the nearest 50 pounds. For example, the kiln-dried shipping weight for rough 4/4" plain red oak is 3,800 pounds. (4,200 less 10 percent (420)=3,780, which is rounded to 3,800).

(b) To determine shipping weight for surfaced lumber, consult the table in this paragraph. Find the percentage shown for the nominal thickness under the appropriate heading describing the surfacing done, and apply this percentage to the rough weight of the item as shown in section 3.1, or as determined under this section.

Example 1. To calculate the weight for random width 4/4" plain red oak lumber surfaced two sides to 13/16": In Table (15), the air-dried weight of the rough lumber is shown as 4,200 pounds. In the table given below, Column (1) shows the 4/4" nominal thickness; Column (2), the 13/16" finished thickness; and from Column (3), applicable to surfaced two sides, the percentage figure of 78 is obtained. The surfaced weight is therefore 78 percent of 4,200 or 3,276 pounds, which is then rounded to 3,300 pounds.

Example 2. To calculate the weight of 4/4" plain red oak lumber 8" stock width surfaced four sides to 13/16" x 7½": The procedure is the same as in Example 1, except that instead of using the 78 percent shown in Column (3), you use the 73 percent figure shown in Column (7) for 8" lumber surfaced four sides to 7½" wide. (Columns (4) through (9) are applicable to both finished thicknesses and finished widths). The surfaced weight is 73 percent of 4,200 or 3,066 pounds, which is rounded to 3,050 pounds.

PERCENTAGES FOR DETERMINING SHIPPING WEIGHTS OF SURFACED LUMBER

Surfaced 1 or 2 sides—Thickness			Surfaced 4 sides—Widths					
			Percentage of rough weight for lumber surfaced 4 sides to specified widths shown and to thicknesses shown in column 2					
Nominal rough inch	Finished thickness	Percent of rough lumber weight	2" to 1¾"	4" to 3¾"	6" to 5¾"	8" to 7¼"	10" to 9½"	12" to 11½"
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
3/8	3/16	44	36	40	42	42	42	43
1/2	5/16	57	46	52	54	54	54	55
5/8	7/16	68	53	59	61	61	62	62
3/4	9/16	71	57	64	66	66	67	68
4/4	15/16	90	78	81	84	84	85	86
	7/8	84	68	76	78	78	79	80
	13/16	78	73	70	73	73	74	74
	25/32	78	61	68	67	67	68	69
	3/4	72	58	65	67	67	68	69
5/4	1 3/16	92	74	83	86	86	87	88
	1 1/8	87	70	79	81	81	82	83
	1 1/16	82	67	74	77	77	78	79
6/4	1 7/16	93	76	84	87	87	88	89
	1 3/8	89	72	80	83	83	84	85
	1 5/16	85	69	77	80	80	80	81
8/4	1 7/8	92	74	83	86	86	87	88
	1 3/4	86	69	77	80	80	81	82
	1 5/8	79	65	72	74	74	75	76
10/4	2 1/4	88	72	80	83	83	84	85
	2 1/8	83	68	76	78	78	79	80
12/4	2 3/4	90	73	82	85	85	86	87
	2 5/8	86	70	78	81	81	82	83
16/4	3 3/4	93	75	84	87	87	88	90
	3 5/8	90	73	81	84	84	85	86

(c) *Resawn lumber.* The weight for rough lumber resawn is the weight of the rough air-dried lumber as shown in the tables of section 3.1 less 5 percent for each saw kerf. The weight for lumber surfaced and then resawn is the weight of the resurfaced lumber (as calculated in accordance with paragraph (b) of this section) less 5 percent of the rough lumber weight for each saw kerf.

SEC. 3.11. *Ceiling prices for special specifications.*—(a) *Application.* If you cannot ascertain your ceiling price for lumber covered by this regulation under any other provision of this regulation, as, for example, should you wish to sell lumber with special workings, grades, sizes, services, or other extras not specifically mentioned in this regulation, you must apply by registered mail, return receipt requested, to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for the establishment of a ceiling price. You may file on OPS Public Form No. 132, which is obtainable from any Regional or District Office of the Office of Price Stabilization. Your application must set forth the following:

(1) As complete a description as possible of the item which is the subject of your application.

(2) A statement explaining why you are unable to determine your ceiling price under other provisions of this regulation.

(3) Your proposed ceiling price, which you must determine upon the first of the following bases that you are able to use:

(i) The ceiling price for the most closely comparable item for which a dollars-and-cents ceiling price is established by this regulation, adjusted by the addition or subtraction of the differential between the highest price at which the item that is the subject of your application was sold to a purchaser of the same class on the date nearest to the effective date of this regulation and the highest price at which the most closely comparable item was sold to a purchaser of the same class on the date nearest thereto.

(ii) The price at which you sold to a purchaser of the same class the item that is the subject of your application in your last sale before the effective date of this regulation.

(iii) The ceiling price of your most closely competitive seller to a purchaser of the same class for the item that is the subject of your application. ("Your most closely competitive seller" is the seller of lumber subject to this regulation, selling the item which is the subject of your application, with whom you are in most direct competition on sales of most items.)

(iv) A price which you believe is in line with the level of ceiling prices established by this regulation. You must state why you believe your proposed ceiling price is in line with the level of ceiling prices established by this regulation.

In determining your proposed ceiling prices, you must first use the basis indicated in subdivision (i); if you cannot use subdivision (i), then use subdivision (ii); if you cannot use subdivision (ii), then use subdivision (iii); or if you cannot use subdivision (iii), then use subdivision (iv).

If you use subdivisions (ii), (iii), or (iv), you must state in your application why you could not use the basis provided in the preceding subdivision or subdivi-

sions. You must also state how your proposed ceiling price conforms to the basis employed and furnish supporting details.

(b) *Quotation of proposed ceiling prices.* You may quote a proposed ceiling price determined under the provisions of paragraph (a), and you may sell at that proposed ceiling price, provided that you file an application for approval of that special ceiling price within five days after receiving an order, and provided further that you agree to refund, and later refund, to the buyer, the amount, if any, by which your proposed ceiling price exceeds the ceiling price established by the Director of Price Stabilization.

(c) *Action by the Director of Price Stabilization.* (1) After receipt of an application made under this section, the Director of Price Stabilization will approve or disapprove your proposed ceiling price, will request additional information about it, or will establish a different ceiling price for the item that is the subject of your application.

(2) If the Director does not notify you to the contrary or request additional information from you within 30 days after the receipt of your application, or within 15 days after the receipt of requested additional information, your proposed ceiling price shall be deemed to have been approved, subject to non-retroactive disapproval or modification at a later date.

(3) No application will be approved under this section unless it is found that the proposed prices are in line with the level of ceiling prices otherwise established by this regulation.

(d) *Effect on other transactions.* A special ceiling price approved pursuant to application made under this section shall be your ceiling price for all future sales of the same item unless a specific ceiling price for the item shall subsequently be established by changes in this regulation, or unless the approval is subsequently revoked or modified by the Director of Price Stabilization.

ARTICLE IV—COMMISSION-TYPE SALES AND RETAIL-TYPE DIRECT-MILL SALES

SEC. 4.1. *Commission-type sales*—(a) *Addition allowed.* When a sale of your lumber is brought about by the efforts of a lumber commission salesman, your ceiling price is the otherwise applicable ceiling price on the lumber sold plus 4 percent of the f. o. b. mill ceiling price. However, the amount which you may charge the buyer, pursuant to this section, over and above the otherwise applicable ceiling price, may not exceed the actual commission which you pay to the lumber commission salesman.

(b) *Lumber commission salesman.* The term "lumber commission salesman" means a person who customarily sells lumber in carload quantities for two or more manufacturers, who does not take title to the lumber, assumes no credit risk, receives his compensation from the manufacturer in the form of commissions based on the amount of lumber sold, and operates independently of both buyers and sellers.

SEC. 4.2. *Retail-type sales.*—(a) *Increased f. o. b. mill ceiling prices.* Except as indicated in paragraphs (b) and (c) of this section, your f. o. b. mill ceiling prices in retail-type sales for all lumber covered by this regulation are 15 percent higher than the f. o. b. mill ceiling prices (including any applicable zone differentials) established by this regulation. The increase applies whether the lumber is green, air-dried, or kiln-dried; whether rough or surfaced; and whether or not it is resawn or otherwise worked.

(b) *Exceptions to the application of the increase.* You may not apply the increase authorized by paragraph (a):

(1) To your ceiling prices determined under the provisions of sections 3.3 and 3.11; or

(2) To your ceiling additions for special widths and/or lengths or to your ceiling additions for kiln-drying, surfacing, and/or resawing allowable under the provisions of sections 3.2 and 3.9, respectively, when the additions involved are derived from a retail-type sale.

(c) *Charges which you must exclude.* A ceiling price determined under paragraph (a) may not be increased by any charges for commissions paid to a lumber commission salesman as authorized in section 4.1, or by any charges for special services as authorized in section 5.1.

(d) *Delivery charges.* You may add an appropriate delivery charge, computed in the manner authorized in section 6.2, provided that you deliver the lumber by truck.

(e) *Definition.* As used in this section, a retail-type sale is a direct-mill sale of not more than 10,000 feet to a purchaser who takes delivery at the mill, or who accepts delivery made by truck at a point not more than 50 miles from the mill. It must be a sale of lumber to a contractor or to a consumer for use in construction, remodeling, repair, or maintenance; it is not a sale for use in manufacturing or for resale in substantially the same form.

ARTICLE V—CEILING PRICE ADDITIONS

SEC. 5.1 *Ceiling price additions.* (a) You may add not more than the amounts indicated below to the ceiling prices as set forth in this regulation, for the following special services:

(1) Anti-stain treatment: $1.00 per thousand feet.

(2) Stenciling or grade-marking on the face of each piece in a manner which will permit identification and segregation: $1.00 per thousand feet. (This addition cannot be made for stenciling a trademark.)

(3) Bundling for export: $3.00 per thousand feet.

(4) Packaging in sling loads or otherwise whereby the load is divided into individual parcels to facilitate mechanical unloading and reloading: $3.00 per thousand feet (covering all materials and labor).

NOTE: If lumber is both bundled for export and packaged in sling loads or otherwise, only one charge of $3.00 per thousand feet may be made.

(5) Marking on each piece the surface measure and/or the width and length sizes: $1.00 per thousand feet.

(6) Inspection and issuance of an inspection certificate by the National Hardwood Lumber Association: an amount which does not exceed the inspection fees and expenses charged the seller by the Association.

(7) Staking, wiring, and separating lumber in open top cars: $25.00 per car (covering all materials and labor).

(8) Erecting on open top cars bulkheads made in conformity with the specifications of the Mechanical Division of the Association of American Railroads: $10.00 per bulkhead (covering all materials and labor).

(b) Except for anti-stain treatment, the additions provided in paragraph (a) of this section may be made only when the special services are specifically requested by the buyer.

ARTICLE VI—OTHER CEILING PRICE PROVISIONS

SEC. 6.1. *Grade terms and grading.*—(a) *Terms.* All grade terms used in this regulation have the meanings set forth in the "Rules for the Measurement and Inspection of Hardwood, Cypress, Veneers and Thin Lumber," effective January 1, 1952, published by the National Hardwood Lumber Association.

(b) *Grading.* Lumber bought and sold under this regulation must be graded in accordance with the "Rules for the Measurement and Inspection of Hardwood, Cypress, Veneers and Thin Lumber," effective January 1, 1952, published by the National Hardwood Lumber Association.

SEC. 6.2 *Delivered ceiling prices.* You are permitted to sell lumber covered by this regulation on a delivered price basis. The ceiling delivered prices are the ceiling prices f. o. b. mill plus an addition for delivery to the purchaser, computed as follows (the transportation addition must be rounded to the nearest half dollar):

(a) *Common or contract carrier.* When shipment is made by common or contract carrier, the transportation addition is computed by multiplying the appropriate established weight by the applicable freight rate in effect at the time of shipment.

(b) *Private trucking.* When shipment is by truck owned or controlled by the seller: you may add $2.00 per thousand feet; or an addition computed in the manner set forth in paragraph (a) of this section, using applicable carload rates; or an amount equal to the applicable common carrier motor freight charges.

(c) *Trucking to railhead.* You may not charge any additional amount for a truck haul preceding rail shipments.

(d) *Truck delivery after rail haul.* For truck delivery following a rail haul, you may add as much as the actual costs per thousand feet incurred.

SEC. 6.3. Mixed cars. In a sale of a mixed carload shipment to one or more purchasers in which each item is loaded

separately in the quantity specified in the order, or orders, the following additions per thousand feet may be made to the f. o. b. mill prices of each item in the shipment:

Quantity of each item ordered	Additions per M feet
4,000 to 5,000 feet	$2.00
3,000 to 3,999 feet	3.00
2,000 to 2,999 feet	4.00
1,000 to 1,999 feet	5.00
999 and less	6.00

As used in this section the term "mixed carload" refers to a carload containing two or more items of any species and thickness.

SEC. 6.4. *Green lumber.* (a) Ceiling prices for green lumber are established separately in the price tables. In every case in which lumber is shipped weighing more than 15 percent above the applicable air-dried weights shown in this regulation, it must be sold at not more than the ceiling price for green lumber.

(b) (1) You may obtain authorization from the Director of Price Stabilization, at his discretion, to apply not more than the ceiling prices for dry lumber to a particular sale of green lumber when the purchaser certifies to you that the nature of his operations requires the lumber involved in the particular sale to be in green condition. Application for such authorization must be by letter sent to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., and should contain a statement as to the kind of lumber required and the reason for the purchaser's requiring green lumber, and also a copy of his certification to you covering the lumber involved in the sale.

(2) Approval must be obtained from the Director of Price Stabilization before you may sell under the provisions of this paragraph green lumber at prices higher than the ceiling prices otherwise provided in this regulation.

(c) (1) When a buyer requires special items of No. 1 Common or No. 1 Common and Better of a species and thickness not ordinarily cut and stocked by mills, and the buyer is unable to buy dry lumber, he may apply by letter to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for authorization of special ceiling prices for his purchase of such special items of lumber.

An application should be submitted for every order placed under the provisions of this section, and should state the proposed seller's name and address, a description of the item or items required and the reason for the necessity of accepting green lumber. Approval, if granted, will be rendered both to the buyer and the named seller. The approval will allow sales of such special items, cut on special order, and shipped in green or partially dry condition, at not more than 90 percent of the ceiling price for air-dried lumber of the same grade and thickness in the species of basswood and poplar, and at not more than 87½ percent of the ceiling price for air-dried lumber of the same grade and thickness in all other species.

(2) Approval must be obtained from the Director of Price Stabilization before orders are placed or sales are made under this paragraph.

SEC. 6.5. *Discount for cash.* If the buyer pays cash, your ceiling prices determined under other provisions of this regulation are reduced by the amount of the discount which, during the period from January 25, 1951, through February 24, 1951, you allowed a purchaser of the same class for the payment of cash within the same period of time. If you were not in business between January 25, 1951 and February 24, 1951, your ceiling prices determined under other provisions of this regulation are reduced by 2 percent for cash payment within 10 days from date of invoice or date of bill of lading, whichever is later.

ARTICLE VII—MISCELLANEOUS PROVISIONS

SEC. 7.1. *Modification of proposed ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices determined under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 7.2. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revision 2.

SEC. 7.3. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling prices in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 7.4. *Records*—(a) *Existing records.* On and after the effective date of this regulation, for so long as the Defense Production Act of 1950, as amended, shall remain in effect and for two years thereafter, you shall preserve all your existing records relating to the prices which you received or charged for the items, and for the basic, comparison, or standard items and differentials, referred to in sections 3.2, 3.3, 3.9, and 3.11, which you sold or contracted to sell during the period January 25, 1951 through February 24, 1951; and you shall continue to preserve, for the applicable periods specified in Section 16 of the General Ceiling Price Regulation, all other existing records that you were required to keep under the provisions of Section 16 of the General Ceiling Price Regulations.

(b) *Current records.* Every person who sells and every person who in the regular course of trade or business buys lumber covered by this regulation, totaling $500 or more in any one month, shall make and keep for inspection by the Director of Price Stabilization for a period of two years, accurate records of each sale or purchase made in such month. The records must show the following:

(1) Date of purchase or sale;

(2) Name and address of buyer and seller;

(3) The price or prices of the covered items, including discounts paid or received, and all other direct or indirect considerations given or received, and rebates made or taken;

(4) A description of each item of lumber sold, showing the species, grade, sizes, condition (green, air-dried or kiln-dried), workings, specifications or other extras, which affect the ceiling price, together with the quantity thereof;

(5) Origin of shipment; and when sold on a delivered basis, destination of shipment;

(6) Means of transportation used.

The retention by a purchaser of an invoice furnished by a seller, or the retention by a seller of a settlement sheet furnished by a buyer, which includes the factual information required to be made a matter of record by this section, shall be considered as compliance with the provisions of this section.

(c) *Other records.* If you apply for approval of a proposed ceiling price for special specifications under section 3.11 of this regulation, you shall preserve or make and you shall keep for inspection by the Director of Price Stabilization for so long as the Defense Production Act of 1950, as amended, shall remain in effect and for two years thereafter, accurate records from which you obtained the data you submit in connection with your application for such ceiling price.

SEC. 7.5. *Invoices.* (a) On all sales of lumber covered by this regulation, you must submit an invoice to the buyer which includes a description (species, grade and sizes) and the quantity of each item of lumber involved. Any working condition (green, air-dried or kiln-dried), specification, extra, or service for which a charge is made, or which otherwise has a bearing upon the ceiling price, must be separately set forth in the invoice, but the invoice need not show separately the charge for such items.

(b) For sales made on an f. o. b. basis, in addition to the information required by paragraph (a), your invoice must show the f. o. b. price.

(c) For sales made on a delivered basis, in addition to the information required by paragraph (a), your invoice must show:

(1) The delivered price;

(2) The destination of the shipment; and

(3) The applicable rail, truck or water freight rate; or the transportation charged.

SEC. 7.6. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of the proper OPS District Office. Any action taken by you in reliance upon, and in conformity with, a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revision 2.

SEC. 7.7. *Prohibitions and violations.* (a) You shall not do any act prohibited

or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you and buyers from you shall keep, make, and preserve true and accurate records and reports required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement actions, and actions for damages. Prices lower than the ceiling prices may be charged, paid, or offered.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 7.8. *Evasions.* Any means or devices which result in obtaining directly or indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information in records which this regulation requires to be kept, is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements, and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 7.9. *Definitions.* (a) As used in this regulation, the terms below have the following meanings:

(1) *Appalachian hardwood lumber.* This term is defined in section 1.3 (b).

(2) *Appalachian Hardwood Region.* This term is defined in section 1.3 (c).

(3) *Director of Price Stabilization.* This term extends to any official (including officials of regional or district offices) to whom the Director of Price Stabilization, by order, delegates a function, power, or authority referred to in this regulation.

(4) *Feet.* This term means board feet for all lumber 4/4" and thicker, and means surface feet for all lumber thinner than 4/4".

(5) *F. o. b. mill.* This term means loaded on cars at mill railhead or siding; loaded on scow or barge alongside a mill dock; or, where the only means of conveyance used is a truck, other motor vehicle, or wagon, loaded on such vehicles at the mill site.

(6) *Kiln-dried lumber.* This term refers to green or air-dried lumber that is dried in a kiln to a specified moisture content.

(7) *Lumber commission salesman.* This term is defined in section 4.1.

(8) *Manufacturer, sawmill, planing mill, and concentration yard.* These terms are defined in section 1.4 (b). Note particularly that the term "mill" as used throughout the regulation includes sawmills, planing mills, and concentration yards.

(9) *Most closely competitive seller.* This term is defined in section 3.11 (a) (3) (iii).

(10) *Person.* This term includes any individual, partnership, corporation, association, or any organized group of persons; their legal successors or representatives; and the United States or any other government or their political subdivisions or agencies.

(11) *Purchaser of the same class.* The meaning of this term is determined by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may, but need not, be based on the characteristics or distributive level of the buyer; for instance, manufacturer, wholesaler, individual retail store, retail chain, mail order house, government agency, or public institution. It may, but need not, be based on the location of the purchaser or the quantity or kinds of lumber purchaser by him. It may, but need not, be based on differing terms or conditions of sale or delivery. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

(12) *Records.* This term includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(13) *Residue ungraded lumber.* This term is defined in section 3.7.

(14) *Retail-type sale.* This term is defined in section 4.2.

(15) *Sell.* This term includes sell, supply, dispose, barter, trade, exchange, lease, transfer, deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

(16) *Special grading terms.* The special grading terms used in this regulation are defined in section 6.1.

(17) *Surfaced lumber.* "Surfaced lumber," also known as "worked" or "dressed" lumber, is lumber planed to a smooth finish, generally surfaced to a specified thickness. The process of producing surfaced lumber is known as "surfacing," "dressing," or "planing."

(18) *You.* The pronoun "you" indicates any manufacturer who sells lumber subject to this regulation. The term "your" shall be construed accordingly.

Effective date. This regulation is effective July 2, 1952.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7233; Filed, June 27, 1952; 12:10 p. m.]

[Ceiling Price Regulation 27, Amdt. 1]

CPR 27—LAKE COAL DOCK OPERATORS

INCREASED TRANSPORTATION COST

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 27 is hereby issued.

STATEMENT OF CONSIDERATIONS

Lake coal dock operators covered by CPR 27 are both wholesalers and retailers of coal. Because of certain unique characteristics, however, they are covered by a different OPS regulation from that applying to other retailers of bituminous coal.

Recently retail coal sellers under Supplementary Regulation 2 to the GCPR were allowed to add to their ceiling prices the increase in their inbound freight costs since January 25, 1951 resulting from freight rate increases authorized by the Interstate Commerce Commission or any other governmental regulatory body. For similar reasons, and to remove any possible discrimination between these two classes of resellers of coal, this amendment provides a similar adjustment for lake coal dock operators.

In order to maintain the relationship between ceiling prices and ceiling weighted average realization lake coal dock operators may also add the same dollar-and-cents amount of transportation cost increases to their ceiling weighted average realization established under CPR 27.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 27 is amended in the following respect:

1. Section 4 (d) is amended by adding subparagraph (4), as follows:

(4) Each lake coal dock operator may increase the ceiling weighted average realization and the ceiling price of each size, grade, grouping or other classifica-

tion of solid fuel which he sells and delivers under this ceiling price regulation by the exact amount of increase in transportation costs that has or may become effective after January 1, 1951: *Provided*, Such increase in transportation costs was authorized by the Director, an order of the Interstate Commerce Commission or any regulatory body of a state, territory or possession of the United States: *And provided further*, That the authority to increase the ceiling weighted average realization and the ceiling prices of each size, grade, grouping or other classification by the exact amount of increase in transportation costs shall be effective only upon receipt by the lake coal dock operator of a carrier's invoice, freight bill or other statement of transportation charges for each such size, grade, grouping or other classification, reflecting the increased freight charges and required to be paid by the lake coal dock operator.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to CPR 27 shall become effective July 2, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7231; Filed, June 27, 1952; 12:09 p. m.]

[Ceiling Price Regulation 50, Amdt. 2]

CPR 50—CEILING PRICES FOR PETROLEUM PRODUCTS SOLD IN THE VIRGIN ISLANDS

CORRECTION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Ceiling Price Regulation 50 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 1 to Ceiling Price Regulation 50 was issued for the purpose of increasing the ceiling prices for the sale of kerosene on the island of St. John in the Virgin Islands of the United States. The statement of considerations accompanying Amendment 1 indicated the reasons for these increased ceiling prices.

Because of a typographical error, however, Amendment 1 merely repeated the ceiling prices already established in Ceiling Price Regulation 50. This amendment corrects that error, and accomplishes the result intended in the issuance of Amendment 1.

Because of the nature of this action, it has been impracticable for the Office of Price Stabilization to consult with the industry and trade association representatives.

AMENDATORY PROVISIONS

Section 11 of Ceiling Price Regulation 50 is changed to read as follows:

SEC. 11. *Ceiling prices for kerosene imported in steel drums.* Ceiling prices of kerosene sold at retail in the Virgin Islands of the United States shall be:

Commodity	Quantity	St. Croix	St. Thomas	St. John
Kerosene	Gallon	$0.29	$0.30	$0.34
	Quart	.08	.08	.09
	4/5 quart	.07	.07	.07
	Two 4/5 quarts	.13	.13	.14

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 to Ceiling Price Regulation 50 is effective June 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7239; Filed, June 27, 1952; 4:00 p. m.]

[Ceiling Price Regulation 134, Amdt. 3]

CPR 134—CEILING PRICES FOR EATING AND DRINKING ESTABLISHMENTS

EXTENSION OF TIME FOR REDETERMINATION UNDER SECTION 10

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended by Public Law 96 (82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Ceiling Price Regulation 134 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment extends the time for redetermination of ceiling prices under section 10 from June 1, 1952 until August 1, 1952.

The present cut-off date for redetermination of ceiling prices under section 10 is June 1, 1952. It has come to the attention of the Office of Price Stabilization that many operators were unable to determine their eligibility within sufficient time to take advantage of the authorized redetermination permitted by section 10. It has also been found that some applications for base period adjustment, which had been filed under section 13 of Ceiling Price Regulation 11 prior to the effective date of Ceiling Price Regulation 134, were not processed in sufficient time to enable the applicant to qualify for the section 10 adjustment by the specified date.

In order to avoid penalizing those operators whose applications for a CPR 11 adjustment had not been processed prior to June 1, 1952, or who were unable to determine their eligibility for a redetermination before the cut-off date, operators will be permitted by this amendment to redetermine or to apply for redetermination of their ceiling prices until August 1, 1952.

Because of the beneficial nature of this amendment and the necessity for speedy action, the Director of Price Stabilization has found it neither necessary nor practical to consult with industry representatives, including trade association representatives. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all of the applicable standards of that Act.

AMENDATORY PROVISIONS

Paragraph (a) of section 10 of Ceiling Price Regulation 134 is amended by substituting the words "August 1, 1952" for the words "June 1, 1952" wherever they appear in that paragraph.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 3 to Ceiling Price Regulation 134 is effective June 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7232; Filed, June 27, 1952; 12:10 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 109]

GCPR, SR 109—CEILING PRICES FOR SEMI-VITREOUS DINNERWARE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 109 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes new ceiling prices for manufacturers of semi-vitreous dinerware at a level that is in accordance with the minimum prescribed by the industry earnings standard. A full statement of the reasons for this action are set forth in the Statement of Considerations for SR 29, Ceiling Price Regulation 22.

In the formulation of this supplementary regulation the Director has consulted with representatives of the industry, including trade association representatives and the Industry Advisory Committee, and has given consideration to their recommendations. In the judgment of the Director, the provisions of this supplementary regulation are generally fair and equitable; are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended; and comply with the applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices for semi-vitreous dinnerware dealt in between September 1, 1951 and June 27, 1952, inclusive.
3. Ceiling prices for semi-vitreous dinnerware which cannot be determined under section 2.
4. Relationship of this supplementary regulation to GOR 20 and GOR 21.

AUTHORITY: Sections 1 through 4, issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes ceiling prices for sales by manufacturers of semi-vitreous

dinnerware, replacing those previously established under sections 3, 4, 6 and 7 of the General Ceiling Price Regulation. All provisions of the General Ceiling Price Regulation not inconsistent with this supplementary regulation remain in effect.

SEC. 2. *Ceiling prices for semi-vitreous dinnerware dealt in between September 1, 1951, and June 27, 1952, inclusive.* (a) Your ceiling price for sale of a semi-vitreous dinnerware product is 106.25 percent of the highest price at which you delivered it or, if you did not deliver it, at which you offered it for delivery, between September 1, 1951 and June 27, 1952 to a purchaser of the same class. If your highest price during this period exceeded the applicable ceiling price, your ceiling price under this regulation is 106.25 percent of the ceiling price in effect at the time you received your highest price.

(b) A ceiling price established under this section must be consistent in every respect with your GCPR ceiling price for the same semi-vitreous dinnerware product. It must carry the same delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees and other terms and conditions of sale.

SEC. 3. *Ceiling prices for semi-vitreous dinnerware which cannot be determined under section 2.* If you are unable to establish a ceiling price for any sale of semi-vitreous dinnerware under section 2 of this supplementary regulation, you must establish such ceiling price in accordance with section 4, 6 or 7 of the General Ceiling Price Regulation. Section 4 requires you to determine a ceiling price by reference to the ceiling price of another commodity, called for convenience, your "comparison commodity". In applying section 4, use as the ceiling price of the "comparison commodity" a ceiling price determined under this supplementary regulation.

SEC. 4. *Relationship of this supplementary regulation to GOR 20 and GOR 21.* Notwithstanding any provisions of this supplementary regulation, you may elect to use General Overriding Regulation 20 or 21 to establish your ceiling prices for semi-vitreous dinnerware. If you so elect, you may not use the provisions of this supplementary regulation.

Effective date. The effective date of this supplementary regulation is June 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7234; Filed, June 27, 1952; 12:10 p. m.]

[General Overriding Regulation 7, Amendment 1 to Revision 1]

GOR 7—EXEMPTIONS AND SUSPENSIONS OF CERTAIN FOOD AND RESTAURANT COMMODITIES, ICE AND CANNED AND FROZEN FRUIT, BERRY AND VEGETABLE PRODUCTS

Pursuant to the Defense production Act of 1950, as amended, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to General Overriding Regulation 7, Revision 1, removes ice and certain canned and frozen fruit, berry and vegetable products from price control.

Ice. In the judgment of the Director of Price Stabilization, special circumstances which characterize the ice industry justify its removal from price control at the present time.

During the past several decades, with the exception of the war years, the consumption of ice has declined steadily. Since 1946 ice consumption has declined by more than 40 percent. This decline has followed the greatly expanded use of mechanical refrigeration in homes and the installation of small ice manufacturing plants in institutional and industrial establishments. As a result of this decline, the utilization of ice producing facilities has dropped to a low level. It is estimated that currently only one-third of this capacity is being used to meet the average day-to-day needs for commercial ice.

As might be expected from such a trend, prices charged for ice have been more stable during the past several decades than have the prices of most other commodities. It is estimated that ice prices today are only one-third higher than they were at the low point of the depression in the 1930's.

This trend has also been reflected in declining earnings. Not only have prices been held stable by competition from mechanical refrigeration and by competition between producers with excess capacity, but there have been increases in direct costs and the decline in volume has tended to increase overhead unit costs. Since 1946 many ice companies have gone out of business or merged with their competitors. Many small companies have in effect been "liquidating their capital".

It was the experience of the Office of Price Administration that a constant sequence of individual and area price adjustments was necessary to bring ice prices up to a level which would secure the continuation of an ice supply in various communities. In numerous cases annual adjustments were necessary to prevent substantial hardship in the face of increased costs and decline in volume. The same experience has begun to repeat itself since the institution of price controls in January 1951. The making of these numerous price adjustments has placed a substantial administrative burden of reporting, compiling of financial information and of record maintenance upon the ice industry. Processing these adjustment applications has required a considerable expenditure of manpower on the part of OPS. Moreover, the continuation of control involves technical complexities such as provisions for the importation of ice into areas formerly served by companies which have gone out of business. The prospect, in the absence of decontrol, is for these administrative burdens to increase rather than lessen with the passage of time.

In view of the decline in volume of the industry, the large excess of productive capacity, the availability of mechanical refrigeration, and the relatively stable prices during the last two decades, it is highly unlikely that uncontrolled ice prices will increase to levels above those which the agency would be compelled by the requirements of the law to establish through numerous adjustments. Therefore, the Director has concluded that the advantages to economic stabilization which can be derived by a continuation of controls upon ice are not commensurate with the burdens placed on the industry and upon this agency.

Canned and frozen fruit, berry and vegetable products. The canned fruits, berries and vegetables exempted by this amendment are either luxury items of limited volume, such as canned celery, or are items produced in limited quantities and sold almost entirely for remanufacturing purposes the final product of which remains under control, or are items packed regionally in small volume, or, finally, are specialty fruit items. In regard to all these products the number of processors is very small and the total pack of all products amounts to less than $\frac{3}{10}$ of one percent of all fruits and vegetables which are packed during a year.

The frozen fruits, berries and vegetables exempted from price control by this amendment are an insignificant part of the total frozen fruit, berry and vegetable pack. The frozen vegetables covered by this action constituted but 2.046 percent of the total frozen vegetables pack during 1951, while the frozen fruits and berries constituted 0.455 percent of the total frozen fruit and berry pack for that year. Many of the listed products have not been packed at all during the past two years, apparently because of the lack of consumer demand, while others are sold in particular regions but not in large volume.

Therefore, the commodities exempted by this amendment are of minor significance and have but a trifling effect on the cost of living, the cost of the defense effort or the general current of industrial costs. Furthermore, any ceiling price restrictions imposed on these products would involve an administrative enforcement burden out of proportion to the importance of keeping such commodities under price control.

In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable and has given full consideration to their recommendations. In his judgment the exemptions provided by the accompanying amendment will in no way defeat or impair the price stabilization program or the objectives of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 2 of Article II of General Overriding Regulation 7, Revision 1, is amended in the following respects:

1. The following subparagraph (9) is added to paragraph (d):

(9) Ice.

2. Paragraph (e) is changed to read as follows:

(e) *Canned fruit, vegetable and berry products.* The following domestically processed canned (in tin or glass) or packaged fruit, vegetable and berry products:

(1) Canned artichoke products whose vegetable ingredient consists predominantly of artichokes or parts thereof.
(2) Canned cabbage (white or red) (not kraut).
(3) Canned brussels sprouts.
(4) Canned broccoli.
(5) Canned celery.
(6) Canned eggplant.
(7) Canned melons (pickled or spiced including melon balls).
(8) Canned soy beans (fresh).
(9) Canned parsnips.
(10) Canned vegetable greens (except spinach and turnip greens).
(11) Canned rhubarb.
(12) Canned tomato aspic.
(13) Canned fresh shell beans (with or without snaps).
(14) Canned rutabagas.
(15) Canned turnips.
(16) Canned corn relish.
(17) Canned diced or pureed green or red peppers (not including pimientos).
(18) Canned meat loaf spice mixtures.
(19) Canned or packaged dehydrated vegetable relish.
(20) Canned pumpkin pie mix.
(21) Canned sweet potato pie mix.
(22) Canned carrot juice.
(23) Canned beet juice.
(24) Canned nectarines.
(25) All canned plums (except canned purple prune plums).
(26) Canned baked apples.
(27) Canned spiced apricots.
(28) Canned spiced figs.
(29) Canned spiced pears.
(30) Canned grapes (including spiced grapes).
(31) Canned crab apples (including canned spiced crab apples).
(32) Canned quinces.
(33) Canned or packaged crunchy apple chips and apple nougats.
(34) Canned apple pie mix.
(35) Canned cherry pie mix.
(36) Canned plum juice (including fresh prune plum juice).
(37) Canned huckleberries.
(38) Canned gooseberries.
(39) Canned loganberries (including juice and nectar).
(40) Canned elderberries.
(41) Canned dewberries.
(42) Canned youngberries.
(43) Canned strawberries.
(44) Canned strawberry juice.
(45) Canned cranberry juice.

3. Paragraph (g) is added to read as follows:

(g) *Frozen fruit, berry, vegetable and related products.* The following domestically processed frozen fruit, berry, vegetable and related products:

(1) Coconut.
(2) Feijea.
(3) Figs.
(4) Guavas.
(5) Mixed fruits.
(6) Nectarines.
(7) Pears.
(8) Persimmons.
(9) Pineapples.
(10) Plums (fresh).
(11) Quinces.
(12) Sweet cherries.
(13) Cranberries.
(14) Dewberries.
(15) Elderberries.
(16) Gooseberries.
(17) Huckleberries.
(18) Youngberries.
(19) Artichokes.
(20) Beets.
(21) Blackeye peas (fresh).
(22) Celery.
(23) Field peas, fresh (including chick, cream, crowder, crowder with snaps and purple hull).
(24) Melon balls.
(25) Mushrooms.
(26) Okra.
(27) Peppers (including pimientos).
(28) Soy beans (fresh).
(29) Sweet potatoes.
(30) Tomatoes (including juices and purees).
(31) Vegetable greens (except spinach).
(32) Watermelons.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective June 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7236; Filed, June 27, 1952; 12:10 p. m.]

[General Overriding Regulation 4, Revision 1, Amdt. 5]

GOR 4—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

EXEMPTION OF CERTAIN FURS AND FUR PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 5 to General Overriding Regulation 4, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from price control sales of certain furs and fur plates, as well as sales of garments, shells, linings, trimmings, and collars made from them. This amendment, however, does not exempt services rendered with respect to any of these commodities, nor does it exempt by-products produced from the exempted furs and peltries, such as beaver hair.

Studies have been made by this Agency concerning the prices as well as consumer use of furs and fur garments. From these studies it has been determined which furs, in general, are and are not of considerable importance to moderate income families.

The sales of items exempted by this regulation have little bearing on the cost of living. In general, sales of fur garments which retail at prices of approximately $400 or less, and furs from which they are made, remain under price control. The latter furs and fur items are generally of the type normally within the purchasing power of moderate income families. Further, sales of certain relatively higher priced furs, such as badger, continue subject to price control, due to their utilization in the manufacture of essential cost-of-living products or in essential industrial processing.

The difficulty of administering price controls with respect to the exempted furs and fur products is an additional factor warranting their exemption. Studies have revealed that no universally accepted grading standards exist as to quality and size of fur skins. Standards used were developed by individual dealers and processors; they vary widely not only as between different geographical areas but also as between dealers and processors in the same area. Further, valuation of fur skins largely turns upon minute variations between skins of the same general type as to color, shade, curl, length, fullness, luster, softness and silkiness. It is possible for experts in fur valuation to arrive at widely differing judgments with respect to the value of skins of the same general type; this is especially true of the exempted furs. The above considerations distinguish the problem of administering price controls with respect to such furs from that with respect to most other commodities.

The problem of controlling certain fur garments is also complicated by virtue of the fact that each fur garment is individually priced. In the higher priced ranges such as mink and beaver, two garments made of the same general type of skin, in the same factory, by the same general standards of manufacture will frequently be valued at widely different figures because of their differences in appearance and "feel." In the less expensive garments, such as mouton, rabbit, and kidskin, however, this variation in valuing garments is far less extensive.

The exempted furs have only a relatively limited use as trimmings for cloth coats. U. S. Department of Commerce reports indicate that only about 10% of the women's and misses' cloth coats manufactured in the United States have fur trimmings. It is estimated that not more than 50% of these fur trimmed coats have trimmings of furs exempted from price control by this regulation. The remainder of these fur trimmed cloth coats bear trimmings of the cost-of-living furs which are being continued under price control.

The Director has concluded that the relative insignificance of the exempted furs and fur garments as cost-of-living items, combined with the difficulty in administering price controls over them, warrants the exemption of their sales from price controls at this time.

The Director has consulted with the Federal Trade Commission as to the proper designation of the furs listed in this regulation which are continued under price control. The names used are those approved by the Federal Trade Commission and they apply to all furs properly designated by those names, although other names may have been commonly used in the trade to describe them. In some cases this amendment states the commonly used names of certain furs as well as their correct names; this is done for the sake of clarity alone, and is not to be construed as an approval of those commonly used names.

To the extent practicable under the circumstances, the Director has consulted with representatives of the industry involved, including trade association representatives, and has given consideration to their oral and written recommendations.

AMENDATORY PROVISIONS

Section 2 of General Overriding Regulation 4, Revision 1, is amended by adding the following paragraphs:

(e) All furs other than the following:

American Opossum.
Ariana Otter.
Badger.
Bassarisk (sometimes referred to in the trade as Ringtail Cat).
Chekiang Lamb, square handled.
Coyote Wolf.
Dog.
Fox (except white fox, natural black fox, natural blue fox, silver fox, cross fox and all mutation fox).
Hair Seal.
Hare.
Indian Lamb.
Kidskin.
Labrador Hair Seal.
Lamb processed to simulate Broadtail Lamb.
Lincoln Lamb.
Marmot.
Mouton Lamb.
Muskrat.
Peschanik (sometimes referred to in the trade as Russian Weasel).
Persian Lamb Paw.
Pony.
Rabbit.
Raccoon.
Mexican Raccoon.
Skunk.
Spotted Skunk (sometimes referred to in the trade as Civet Cat).
Wolf.
Beaver pieces.
Squirrel bellies.
Tails from all furs.

The term "furs" means any animal skin or part thereof with hair, fleece, or fur fibers attached thereto, either in its raw or processed state, but shall not include such skins as are to be converted into leather or which in processing shall have the hair, fleece, or fur fiber completely removed.

(f) Fur plates made from mink and backs of squirrels.

(g) All fur garments in which the principal quantity of body material consists of furs or fur plates exempted from price control under (e) or (f) above.

(h) All fur shells, fur linings, fur trimmings, and fur collars, in which the only furs or fur plates used are those exempted from price control under (e) or (f) above.

(Sec. 704, Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective June 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7235; Filed, June 27, 1952; 12:10 p. m.]

[General Overriding Regulation 20, Cor.]

GOR 20—CEILING PRICE ADJUSTMENTS FOR SMALL BUSINESS CONCERNS UNDER SECTION 402 (d) (4) OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

Due to clerical error in the third sentence of the example at the end of the third paragraph of section 11 of General Overriding Regulation 20, the date on which a ladies' blouse (Style B) was offered for sale was given as "September 1, 1951" instead of "September 1, 1950". Accordingly, this sentence is corrected to read as follows: "On September 1, 1950, you offered for sale a ladies' blouse (Style B) for which your ceiling price under the General Ceiling Price Regulation is $6.00."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7237; Filed, June 27, 1952; 12:10 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-9, Revocation]

M-9—ZINC

REVOCATION

NPA Order M-9 (17 F. R. 4536) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-9 as originally issued or as amended from time to time, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; U. S. C. App. Sup. 2154)

This revocation is effective June 27, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-7226; Filed, June 27, 1952; 11:53 a. m.]

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 3, Amdt. 4]

DFO 3—AGRICULTURAL IMPORTS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority conferred by section 704 of the Defense Production Act of 1950, as amended (50 U. S. C. App. Sup. 2154) and having determined that the following amendment of Defense Food Order 3, as amended (16 F. R. 7934, 8272; 17 F. R. 4490) is necessary or appropriate to carry out the provisions of said act and the determination made by the Secretary of Agriculture on August 9, 1951 (16 F. R. 7937) under section 104 of the act, said Defense Food Order 3 is hereby amended as set forth below. The amendment relieves certain restrictions presently imposed by the order and must be made effective promptly if it is to be of maximum benefit to importers. The order affects numerous segments of the economy and time does not permit consultation with all affected segments. Therefore consultation with industry representatives on the amendment is impracticable and has been omitted.

Summary of amendment. Section 2 (b) of Defense Food Order 3, as amended, prohibits the importation, purchase for import, receiving or offering to receive on consignment for import, and the making of any contract or other arrangement for the importing of certain commodities subject to the order, except as provided in section 5 of the order or as authorized in writing by the Director of the Office of Requirements and Allocations, Production and Marketing Administration, of this Department. The term "import" is defined to mean "to transport in any manner into the continental United States, Puerto Rico, the Virgin Islands, or any territory or possession of the United States from any foreign country." It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs. This amendment is intended to except from the requirement of an authorization by the Director imposed in section 2 (b) casein and lactarene, and mixtures in chief value thereof, n. s. p. f., and cheese, imported for any purpose other than consumption in the continental United States, Puerto Rico, the Virgin Islands or any territory or possession of the United States. Section 5 of the order is being amended to provide such exception. The amendment also modifies the provisions of section 13 of the order relating to petitions for relief from hardship.

AMENDATORY PROVISIONS

Defense Food Order 3, as amended, is hereby further amended as follows:

1. Section 5 is amended by redesignating paragraph (c) thereof as paragraph (d) and by adding a new paragraph (c) to read as follows:

(c) The provisions of section 2 (b) shall not apply to casein or lactarene, or mixtures in chief value thereof, n. s. p. f., or cheese, imported for any purpose other than consumption in the continental United States, Puerto Rico, the Virgin Islands, or any territory or possession of the United States. The provisions of section 2 (b) shall continue to apply, however, to casein and lactarene, and mixtures in chief value thereof, n. s. p. f., and cheese, with respect to direct entries for consumption, withdrawals for consumption of commodities in the custody of the United States Bureau of Customs in bonded warehouses, entries for consumption of commodities from foreign trade zones, and all other imports for consumption in the continental United States, Puerto Rico, the Virgin Islands, or any territory or possession of the United States. Moreover, the provisions of section 2 (b) shall continue to apply in all respects to other commodities followed by the designation (B) in Appendix A.

2. Section 13 is amended by adding at the end thereof a new sentence to read as follows: "The fact that a commodity is in a free port, foreign trade zone or the bonded custody of the United States Bureau of Customs, shall not be a basis for relief from hardship."

Effective date. This order shall become effective immediately. With re-

spect to violations, rights accrued, liabilities incurred, or appeals taken concerning Defense Food Order 3, as amended, prior to said effective date all the provisions of the order in effect at the time when such violations occurred, rights accrued, liabilities were incurred, or appeals were taken shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(Sec. 704, 64 Stat. 816, as amended, 65 Stat. 139; 50 U. S. C. App. Sup. 2154)

Done at Washington, D. C., this 25th day of June 1952.

[SEAL] ELMER F. KRUSE,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 52-7227; Filed, June 27, 1952; 12:00 m.]

Chapter XVII—Housing and Home Finance Agency

[CR 3, Amdt. 13 to Appendix]

CR 3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS: REGULATIONS GOVERNING PROCESS AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

APP.—CRITICAL DEFENSE HOUSING AREAS

This Amendment 13 amends the Appendix to CR 3 initially published in the FEDERAL REGISTER November 20, 1951 (16 F. R. 11731), which Appendix was revised and published in the FEDERAL REGISTER January 30, 1952 (17 F. R. 893) and last amended by Amendment 12 published June 14, 1952 (17 F. R. 5396), by adding the following additional critical defense housing areas to the areas already designated under CR 3:

Area, Including Geographical Description and Date Designated

178. Portsmouth, New Hampshire-Kittery, Maine, Area. (Strafford County; the towns of Brookfield and Wakefield in Carroll County; the town of Alton in Belknap County; the City of Portsmouth and the Towns of Atkinson, Brentwood, Danville, Deerfield, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Northwood, Nottingham, Plaistow, Raymond, Rye, Sandown, Seabrook, South Hampton, and Stratham, in Rockingham County, all in New Hampshire; and the Towns of Berwick, Eliot, Kittery, North Berwick, South Berwick and York in York County, Maine), June 28, 1952.

179. Williston, North Dakota, Area. (Williams County and that part of McKenzie County north of the south line of Township 150, all in North Dakota), June 28, 1952.

180. Reedsport, Oregon, Area. (The Precincts of Gardiner, Wade's Flat, Winchester Bay, East Reedsport and West Reedsport, including the City of Reedsport, all in Douglas County), June 28, 1952.

B. T. FITZPATRICK,
Acting Housing and Home Finance Administrator.

[F. R. Doc. 52-7101; Filed, June 27, 1952; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 843]

ALASKA

WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force for military purposes:

Beginning at Corner No. 1, identical with Witness Meander Corner No. 8 of U. S. Survey No. 2627 which is an iron post with brass cap marked "W. C. S2627-C8" and from which point a tower bears N. 56°24' W., 6,338.64 feet; thence by metes and bounds:

N. 23° 25' E., 1,440.6 feet along the 7-8 line of U. S. Survey No. 2627 to Corner No. 2;
S. 66° 30' E., 4,500.0 feet to Corner No. 3;
S. 31° 30' E., 4,000.0 feet to Corner No. 4;
N. 85° 30' E., 18,100.0 feet to Corner No. 5;
S. 4° 30' E., 11,700.0 feet to Corner No. 6;
S. 85° 30' W., 22,300.0 feet approximately to the mean high water line of the Yukon River, Corner No. 7;
Northerly, 18,000.0 feet meandering the said Yukon River to point from which Corner No. 1 bears N. 23° 25' E.;
N. 23° 25' E., 59.4 feet to Corner No. 1 and the point of beginning.

The area described contains 5,920 acres.

It is intended that the land described above shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 24, 1952.

[F. R. Doc. 52-7093; Filed, June 27, 1952; 8:46 a. m.]

[Public Land Order 844]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF ALASKA RAILROAD AS SOURCES OF GRAVEL

By virtue of the authority vested in the President by the act of March 12, 1914, 38 Stat. 305, 307 (48 U. S. C. 304) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws including the mining and mineral-leasing laws, and reserved for the use of the Alaska Railroad, Department of the Interior, as sources of gravel:

PITTMAN

SEWARD MERIDIAN

T. 17 N., R. 2 W.,
Sec. 5, SW¼SE¼, SE¼SW¼, E½SW¼SW¼, those parts south of the south right-of-way line of the Alaska Railroad;
Sec. 8, NW¼NE¼, NE¼NW¼, E½NW¼NW¼.

The tracts described aggregate 144.7 acres.

MILE POST 223

SEWARD MERIDIAN

T. 25 N., R. 5 W.,
Sec. 1, S½ lot 3, lot 4;
Sec. 12, lots 1, 2, E½NE¼.

The tracts described aggregate 215 acres.

BROAD PASS

FAIRBANKS MERIDIAN

T. 19 S., R. 9 W., Those portions of the following-described lands lying south and east of the middle fork of the Chulitna River:
Sec. 22, SW¼NE¼, W½SE¼, E½SW¼, and SW¼SW¼;
Sec. 27, NW¼NE¼, NW¼, and NW¼SW¼;
Sec. 28, SE¼NE¼, SE¼, and S½SW¼;
Sec. 33, NW¼NE¼, E½NW¼, and that part of the W½NW¼ lying south and east of the right-of-way of the Alaska Railroad.

The tracts described aggregate approximately 630 acres.

CHULITNA

Beginning at a point on the West right-of-way line of The Alaska Railroad which lies one hundred feet from the center line of the main line opposite Engineer's Survey Station 12442+00, measured at right angles therefrom:

From the point of beginning, thence Southerly 4,400 feet along the West right-of-way line of The Alaska Railroad to a point opposite Engineer's Survey Station 12398+00; thence Westerly and at right angles to the West right-of-way line 1,000 feet; thence Northerly parallel to the Westerly right-of-way line to The Alaska Railroad and 1,000 feet therefrom approximately 3,837.8 feet; thence Easterly 1,000 feet to the point of beginning and containing 100.44 acres, more or less. Approximately, latitude 62°53'30" N., longitude 149°36'45" W.

COLORADO HILL

Beginning at a point on the West right-of-way line of The Alaska Railroad which lies one hundred feet from the center line of the main line opposite Engineer's Survey Station 13572+00, measured at right angles therefrom:

From the point of beginning, thence Southwesterly thirty-seven hundred feet along the West right-of-way line to a point opposite Engineer's Survey Station 13535+00; thence Westerly five hundred feet, thence Northeasterly parallel to the Westerly right-of-way line of The Alaska Railroad and 500 feet therefrom 3,750 feet; thence Southeasterly five hundred feet to the point of beginning and containing 43.5 acres, more or less. Approximate latitude 63° 06' 35" N., longitude 149° 31' 45" W.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 24, 1952.

[F. R. Doc. 52-7095; Filed, June 27, 1952; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 991]

HANDLING OF MILK IN ROCKFORD-FREEPORT, ILL., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED

EDITORIAL NOTE: Federal Register Document 52-6684, appearing at page 5471 of the issue for Wednesday, June 18, 1952, has been corrected as follows:

1. In § 991.50 (a), "the 55–70 mile zone" has been changed to read: "the 70–85 mile zone".

2. In § 991.50 (b), "the 85–100 mile zone" has been changed to read: "the 100–115 mile zone".

3. In the first sentence of § 991.88 (a), "the market involved in such obligation" has been changed to read: "the milk involved in such obligation".

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

AVIATION TEXTILE PRODUCTS MANUFACTURING INDUSTRY

NOTICE OF HEARING WITH RESPECT TO PREVALING MINIMUM WAGE

The Secretary of Labor, in an amended minimum wage determination issued pursuant to the provisions of the Walsh-Healey Public Contracts Act (act of June 30, 1936, 49 Stat. 2036, 41 U. S. C. secs. 35–45) and effective January 25, 1950 (15 F. R. 382), determined that the minimum wage for persons employed in the performance of contracts with agencies of the United States Government subject to the act for the manufacture or furnishing of the products of the aviation textile products manufacturing industry shall be not less than 75 cents an hour. This amended determination was based upon information indicating that substantially all employees in this industry are engaged in commerce or in the production of goods for commerce, as defined in the Fair Labor Standards Act, and that as a consequence the Fair Labor Standards Amendments of 1949 require payment of a wage rate of not less than 75 cents an hour to substantially all employees in this industry. This amended determination also provided that learners and handicapped workers might be employed at subminimum rates in accordance with regulations of the Administrator of the Wage and Hour Division of the Department of Labor under section 14 of the Fair Labor Standards Act (29 CFR Parts 522, 524 and 525 respectively).

A wage survey of selected aviation textile products manufacturing establishments made as of December, 1951, by the Bureau of Labor Statistics indicates that the 75-cent rate now in effect may not reflect the prevailing minimum wages in this industry; and it is proposed, therefore, to hold a hearing for the purpose of consideration by the Secretary of Labor of an amendment of the current determination.

In order to reflect more accurately the types of products manufactured, it is proposed to change the present title of the industry to the parachute and related aerial accessories industry and to amend the definition to read as follows:

The parachute and related aerial accessories industry is that industry which manufactures or furnishes products primarily of fabric (other than apparel) for airborne use, such as parachutes of any type or of any material; parachute packs and pack opening bands, harnesses and canopies; static lines; fabric aviation safety belts; aerial delivery containers; tow targets; and cloth drag sleeves for flares.

Excluded from the definition of this industry are canvas and other fabric articles for ground use such as signalling panels and ground cloths.

Now, therefore, notice is hereby given that a public hearing will be held on July 31, 1952, at 10:00 a. m. in Room 5406, United States Department of Labor Building, Constitution Avenue and Fourteenth Street NW., Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions or a representative designated to preside in his place, at which hearing all interested persons may appear and submit data, views and arguments (1) as to the propriety of the proposed change in the title of the industry; (2) as to what are the prevailing minimum wages in the parachute and related aerial accessories industry; (3 as to whether there should be included in any determination for this industry provision for employment of learners, beginners (or probationary workers) and/or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to length of period and number or proportion of such subminimum rate employees; and (4) as to the adequacy of the proposed definition.

Persons intending to appear are requested to notify the Administrator of their intention in advance of the hearing. Written statements in lieu of personal appearance may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

Copies of tabulations of the wage survey data from selected aviation textile products manufacturing establishments entitled "Earnings in the Parachute and Related Aerial Accessories Industry" made by the Bureau of Labor Statistics as of December, 1951, and released by the Bureau as of June 6, 1952, together with additional tabulations prepared from such data at the request of the Wage and Hour and Public Contracts Divisions will be made available to interested persons upon request to the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C. Interested persons are invited to submit wage data, including data as to changes which may have taken place in the wage structure of the industry since the time of the survey.

In the discretion of the presiding officer, a period not to exceed 30 days from the close of the hearing may be allowed for the filing of comment on the evidence and statements introduced into the record of the hearing. In the event such supplemental statements are received an original and four copies of each such statement should be filed.

Signed at Washington, D. C., this 25th day of June 1952.

WM. R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 52-7124; Filed, June 27, 1952; 8:57 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 42]

IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PREFLIGHT CERTIFICATION

Notice is hereby given that the Administrator contemplates adoption of the following rules. These rules establish procedures for recording compliance with the preflight responsibilities of the pilot-in-command. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

§ 42.60–5 *Preflight certification (CAA rules which apply to § 42.60 (a) and (c)).* In the interest of safety, all operations manuals maintained for the use and guidance of operations personnel shall establish a procedure whereby the pilot-in-command will certify on an appropriate form provided by the air carrier that he has taken the preflight actions specified in § 42.51–1. The manual shall also contain a procedure for maintaining such certification as part of the air carrier flight records.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-7091; Filed, June 27, 1952; 8:45 a. m.]

FEDERAL CIVIL DEFENSE ADMINISTRATION

[32 CFR Part 1709]

OFFICIAL SEAL

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Federal Civil Defense Administration is considering the issuance of regulations pursuant to section 204 of the Federal Civil Defense Act of 1950, as amended (64 Stat. 1254; 50 U. S. C. App. Sup. 2253), which describe the official seal of the Federal Civil Defense Administration, and establish requirements for the reproduction, manufacture, possession, and use thereof.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulations may do so by filing them with the Federal Civil Defense Administration, Washington 25, D. C., not later than thirty days after the publication of this notice in the FEDERAL REGISTER.

The proposed regulations are as follows:

PART 1709—OFFICIAL FEDERAL CIVIL DEFENSE ADMINISTRATION SEAL

Sec.
1709.1 Purpose.
1709.2 Description of official seal.
1709.3 Uses of official seal.
1709.4 Manufacture or reproduction of official seal.
1709.5 Violations.

AUTHORITY: §§ 1709.1 to 1709.5 issued under sec. 204, 64 Stat. 1254; 50 U. S. C. App. Sup. 2253.

§ 1709.1 *Purpose.* The purpose of the regulations in this part is to describe the official seal of the Federal Civil Defense Administration and to prescribe its uses.

§ 1709.2 *Description of official seal.* (a) The official seal of the Federal Civil Defense Administration, approved by the President by Executive Order No. 10350, dated May 14, 1952, is described as follows: On a disk of defenders blue a white triangle superimposed by a shield of the coat of arms of the United States proper, all encircled by a white band edged in defenders blue containing the inscription "Federal Civil Defense Administration" in scarlet letters.

(b) The seal may be reproduced in the above colors, in black and white, or, when reproduced on a colored or white surface, in the color of the surface and one other color, including black and white.

§ 1709.3 *Uses of official seal.* (a) The official seal shall be used on all official documents requiring a seal.

(b) Where appropriate, it may be used as follows:

(1) On official reports, publications, and documents of the Federal Civil Defense Administration.

(2) On letterheads of the office of the Administrator and Deputy Administrator.

(3) On materials, supplies, and equipment of the Federal Civil Defense Administration.

(4) As an identification device by employees of the Federal Civil Defense Administration and such other persons performing emergency civil defense services at the Federal level as the Administrator may deem desirable.

(c) It shall have such additional uses as the Administrator may direct.

§ 1709.4 *Manufacture or reproduction of official seal.* No manufacture or reproduction, or sale of the official seal, or any colorable imitation thereof, shall be made except upon order of the Administrator.

§ 1709.5 *Violations.* Whoever shall manufacture, possess, or wear the official seal of the Federal Civil Defense Administration, or any colorable imitation thereof, except as authorized under these regulations, shall be subject to a fine of not more than $1,000 or imprisonment of not more than one year, or both.

MILLARD CALDWELL,
Administrator.

[F. R. Doc. 52-7150; Filed, June 27, 1952; 9:01 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 107; Delegation of Authority No. 46A]

ADMINISTRATOR, ASSISTANT ADMINISTRATORS AND DEPUTIES, UNITED STATES INTERNATIONAL INFORMATION ADMINISTRATION

DELEGATION OF CERTAIN AUTHORITY WITH RESPECT TO SIGNING LETTERS OF WORKING AGREEMENT WITH OTHER GOVERNMENT AGENCIES

JUNE 14, 1952.

Pursuant to the authority vested in the Secretary of State by section 4 of Public Law 73, 81st Congress, and in accordance with the authority contained in Public Law 355, 76th Congress (53 Stat. 1290); Public Law 402, 80th Congress (United States Information and Educational Exchange Act of 1948, 62 Stat. 6); Public Law 265, 81st Congress; Public Law 327, 81st Congress (Foreign Aid Appropriation Act of 1950); Title II, Public Law 535, 81st Congress (China Area Aid Act of 1950); and Public Law 861, 81st Congress, the Administrator of the United States International Information Administration and his Deputies and Assistant Administrators are hereby authorized to sign letters of working agreement with other government agencies concerning the details of projects under the international information and educational exchange programs.

This delegation of authority amends and supersedes Delegation of Authority No. 46 of September 17, 1951, issued as Public Notice 102 (16 F. R. 9822).

CARLISLE H. HUMELSINE,
Deputy Under Secretary for Administration.

JUNE 14, 1952.

[F. R. Doc. 52-7097; Filed, June 27, 1952; 8:47 a. m.]

POST OFFICE DEPARTMENT

FOURTH-CLASS MAIL

INCREASED POSTAGE RATES AND OTHER REFORMATIONS

The Comptroller General of the United States has ruled, in decisions dated March 19, 1952, and June 17, 1952 (B-108245), that (1) the general provisions relating to the Post Office Department contained in Chapter IV of the Supplemental Appropriation Act, 1951, approved September 27, 1950 (64 Stat. 1050; 31 U. S. C. 695), constitutes permanent legislation; and (2) in withdrawing appropriated funds from the general funds of the Treasury to the Post Office Department on or after July 1, 1952, the Post Office Department must certify that "its latest cost analysis shows that the fourth-class mail rates are producing sufficient revenues to cover the cost of carrying such mail, or that a further petition has been filed with the Interstate Commerce Commission for an increase in the rates to cover the deficiencies therein as disclosed by the annual cost accounting operations of the Post Office Department."

On the basis of the best information now available increases in the fourth-class mail rates and other reformations are necessary to produce sufficient revenues to cover the cost of carrying such mail. Accordingly, pursuant to section 207, 43 Stat. 1067, as amended (39 U. S. C. 247), and Chapter IV, 64 Stat. 1050 (31 U. S. C. 695), a request was filed with the Interstate Commerce Commission on June 25, 1952, for its consent to increased postage rates for fourth-class mail and other reformations on the basis of information to be furnished the Interstate Commerce Commission on or about January 1, 1953.

Although the rate making procedures in the Post Office Department with respect to fourth-class mail do not come within the rule making requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), it is my intention to afford the public an opportunity to present written data, views, or arguments for consideration by the Post Office Department in determining the extent and character of rate and other reformations to be established with respect to fourth-class mail. Accordingly, it is anticipated that as soon as the annual cost analyses and other

necessary data are compiled, a further notice will be published in the FEDERAL REGISTER inviting, to the extent practicable, presentation by the public of written data, views, or arguments to the Post Office Department for consideration in arriving at the reformations to be presented to the Interstate Commerce Commission.

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-7123; Filed, June 27, 1952; 8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES [1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 24, 1952.

[F. R. Doc. 52-7094; Filed, June 27, 1952; 8:46 a. m.]

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR USE OF ALASKA RAILROAD AS SOURCES OF GRAVEL [2]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 24, 1952.

[F. R. Doc. 52-7096; Filed, June 27, 1952; 8:47 a. m.]

OIL AND GAS OPERATIONS IN SUBMERGED COASTAL LANDS OF GULF OF MEXICO

This is a ninth supplement to Part II of the notice issued by the Secretary of the Interior on December 11, 1950, concerning "Oil and Gas Operations in the Submerged Coastal Lands of the Gulf of Mexico" (15 F. R. 8835), as previously supplemented by the notices issued by the Secretary of the Interior on February 2, 1951 (16 F. R. 1203), March 5, 1951 (16 F. R. 2195), April 23, 1951 (16 F. R. 3623), June 25, 1951 (16 F. R. 6404), August 22, 1951 (16 F. R. 8720), October 24, 1951 (16 F. R. 10998), December 21, 1951 (17 F. R. 43), and March 25, 1952 (17 F. R. 2821).

Persons conducting oil and gas operations in accordance with Part II of the notice dated December 11, 1950, as previously supplemented, are hereby authorized to continue such operations on an indefinite basis. This supplementary authorization is subject to amendment or revocation at any time upon the giving of 30 days' notice in advance through the publication of such notice in the FEDERAL REGISTER. It is also subject to the conditions prescribed in Part II of the notice dated December 11, 1950.

This does not authorize the drilling of, or production from, any oil or gas well the drilling of which had not been commenced on or before December 11, 1950.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 26, 1952.

[F. R. Doc. 52-7193; Filed, June 27, 1952; 11:20 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[CPR 7, Section 43—Partial Revocation of Special Order 256, as amended]

BENDIX RADIO; DIVISION OF BENDIX AVIATION CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 256 under section 43 of Ceiling Price Regulation 7, as amended, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Bendix Radio—Division of Bendix Aviation Corporation, Baltimore 4, Maryland, having the brand name "Bendix Television."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Bendix Radio—Division of Bendix Aviation Corporation. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Bendix Radio—Division of Bendix Aviation Corporation was granted a special order under section 43 namely "Bendix Television" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Bendix Radio—Division of Bendix Aviation Corporation to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 256, as amended, establishes retail ceiling prices for sales of the Bendix Radio—Division of Bendix Aviation Corporation's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 256, as amended, issued to Bendix Radio—Division of Bendix Aviation Corporation, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Bendix Television" is hereby revoked. In all other respects Special Order 256, as amended, remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Bendix Radio—Division of Bendix Aviation Corporation must send a copy of this order to all purchasers for resale of "Bendix Television" branded television receivers to whom it has given notice of Special Order 256, as amended. Twenty days after the effective date of this order, each such purchaser for resale, before selling any "Bendix Television" branded television receivers, must (a) remove all tags which were affixed to "Bendix Television" branded television receivers in accordance with Special Order 256, as amended; and (b) determine ceiling prices for "Bendix Television" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

[1] See F. R. Doc. 52-7093, Title 43, Chapter I, appendix PLO 843, *supra*.

[2] See F. R. Doc. 52-7095, Title 43, Chapter I, Appendix, PLO 844, *supra*.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7069; Filed, June 24, 1952; 5:11 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 259]

RAY THOMAS CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 259 under section 43 of Ceiling Price Regulation 7, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Ray Thomas Company, 1601 South Hope Street, Los Angeles 15, California, having the brand name "Capehart."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established, for all of the commodities which were the subject of the application of the Ray Thomas Company. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Ray Thomas Company was granted a special order under section 43 namely, "Capehart" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Ray Thomas Company to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 259, establishes retail ceiling prices for sales of the Ray Thomas Company's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 259, issued to Ray Thomas Company, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Capehart," is hereby revoked. In all other respects Special Order 259 remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Ray Thomas Company must send a copy of this order to all purchasers for resale of "Capehart" branded television receivers to whom it has given notice of Special Order 259. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Capehart" branded television receivers, must (a) remove all tags which were affixed to "Capehart" branded television receivers in accordance with Special Order 259; and (b) determine ceiling prices for "Capehart" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7067; Filed, June 24, 1952; 5:11 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 280, as amended]

SPARKS-WITHINGTON CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 280 under section 43 of Ceiling Price Regulation 7, as amended, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by The Sparks-Withington Company, Jackson, Michigan, having the brand name "Sparton."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of The Sparks-Withington Company. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which The Sparks-Withington Company was granted a special order under section 43 namely, "Sparton" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded The Sparks-Withington Company to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 280, as amended, establishes retail ceiling prices for sales of The Sparks-Withington Company's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 280, as amended, issued to The Sparks-Withington Company, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Sparton," is hereby revoked. In all other respects Special Order 280, as amended, remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, The Sparks-Withington Company must send a copy of this order to all purchasers for resale of "Sparton" branded television receivers to whom it has given notice of Special Order 280, as amended. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Sparton" branded television receivers, must (a) remove all tags which were affixed to "Sparton" branded television receivers in accordance with Special Order 280, as amended; and (b) determine ceiling prices for "Sparton" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7077; Filed, June 24, 1952; 5:13 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 297]

ADMIRAL CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 297 under section 43 of Ceiling Price Regulation 7, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Admiral Corporation, 3800 Cortland Street, Chicago 47, Illinois, having the brand name "Admiral."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Admiral Corporation. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Admiral Corporation was granted a special order under section 43 namely, "Admiral" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Admiral Corporation to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951,

but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 297 establishes retail ceiling prices for sales of the Admiral Corporation's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 297 issued to Admiral Corporation, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Admiral" is hereby revoked. In all other respects Special Order 297 remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Admiral Corporation must send a copy of this order to all purchasers for resale of "Admiral" branded television receivers to whom it has given notice of Special Order 297. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Admiral" branded television receivers, must (a) remove all tags which were affixed to "Admiral" branded television receivers in accordance with Special Order 297; and (b) determine ceiling prices for "Admiral" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling prioe regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7070; Filed, June 24, 1952; 5:11 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 338]

OLYMPIC RADIO AND TELEVISION, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 338 under section 43 of Ceiling Price Regulation 7, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Olympic Radio and Television, Inc., 34-01 38th Avenue, Long Island City 1, New York, having the brand names "Olympic," "The Challenger," "The Riviera," "The Monte Carlo," "The Broadmoor," "The Versailles," "The Catalina," "The Prince George," "The Marlborough," "The Windsor," "The Lancaster."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Olympic Radio and Television, Inc. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Olympic Radio and Television, Inc., was granted a special order under section 43 namely, "Olympic," "The Challenger," "The Riviera," "The Monte Carlo," "The Broadmoor," "The Versailles," "The Catalina," "The Prince George," "The Marlborough," "The Windsor," "The Lancaster" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Olympic Radio and Television, Inc., to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 338, establishes retail ceiling prices for sales of the Olympic Radio and Television, Inc., branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 338, issued to Olympic Radio and Television, Inc., to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand names "Olympic," "The Challenger," "The Riviera," "The Monte Carlo," "The Broadmoor," "The Versailles," "The Catalina," "The Prince George," "The Marlborough," "The Windsor," "The Lancaster," is hereby revoked. In all other respects Special Order 338 remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Olympic Radio and Television, Inc., must send a copy of this order to all purchasers for resale of "Olympic," "The Challenger," "The Riviera," "The Monte Carlo," "The Broadmoor," "The Versailles," "The Catalina," "The Prince George," "The Marlborough," "The Windsor," "The Lancaster" branded television receivers to whom it has given notice of Special Order 338. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Olympic," "The Challenger," "The Riviera," "The Monte Carlo," "The Broadmoor," "The Versailles," "The Catalina," "The Prince George," "The Marlborough," "The Windsor," "The Lancaster" branded television receivers, must (a) remove all tags which were affixed to "Olympic," "The Challenger," "The Riviera," "The Monte Carlo," "The Broadmoor," "The Versailles," "The Catalina," "The Prince George," "The Marlborough," "The Windsor," "The Lancaster" branded television receivers in accordance with Special Order 338; and (b) determine ceiling prices for "Olympic," "The Challenger," "The Riviera," "The Monte Carlo," "The Broadmoor," "The Versailles," "The Catalina," "The Prince George," "The Marlborough," "The Windsor," "The Lancaster" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7073; Filed, June 24, 1952; 5:12 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 366, as amended]

STROMBERG-CARLSON CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 366 under section 43 of Ceiling Price Regulation 7, as amended, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Stromberg-Carlson Company, 100 Carlson Road, Rochester 3, New York, having the brand name "Stromberg-Carlson."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Stromberg-Carlson Company. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Stromberg-Carlson Company was granted a special order under section 43 namely, "Stromberg-Carlson" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Stromberg-Carlson Company to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 366, as amended, establishes retail ceiling prices for sales of the Stromberg-Carlson Company's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 366, as amended, issued to Stromberg-Carlson Company, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Stromberg-Carlson" is hereby revoked. In all other respects Special Order 366, as amended, remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Stromberg Carlson Company must send a copy of this order to all purchasers for resale of "Stromberg-Carlson" branded television receivers to whom it has given notice of Special Order 366, as amended. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Stromberg-Carlson" branded television receivers, must (a) remove all tags which were affixed to "Stromberg-Carlson" branded television receivers in accordance with Special Order 366, as amended; and (b) determine ceiling prices for "Stromberg-Carlson" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7078; Filed, June 24, 1952; 5:14 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 403, as amended]

WESTINGHOUSE ELECTRIC CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 403 to section 43 of Ceiling Price Regulation 7, as amended, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Westinghouse Electric Corporation, Television Radio Division, 1354 Susquehanna Avenue, Sunbury, Pennsylvania, having the brand name "Westinghouse".

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Westinghouse Electric Corporation. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Westinghouse Electric Corporation was granted a special order under section 43 namely, "Westinghouse" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Westinghouse Electric Corporation to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 403, as amended, establishes retail ceiling prices for sales of the Westinghouse Electric Corporation's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 403, as amended, issued to Westinghouse Electric Corporation, to the extent that it established ceiling prices for sales at retail of television receivers having the brand name "Westinghouse," is hereby revoked. In all other respects Special Order 403, as amended, remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Westinghouse Electric Corporation must send a copy of this order to all purchasers for resale of "Westinghouse" branded television receivers to whom it has given notice of Special Order 403, as amended. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Westinghouse" branded television receivers, must (a) remove all tags which were affixed to "Westinghouse" branded television receivers in accordance with Special Order 403, as amended; and (b) determine ceiling prices for "Westinghouse" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7074; Filed, June 24, 1952; 5:12 p. m.]

[CPR 7, Section 43; Revocation of Special Order 479]

ALLEN B. DUMONT LABORATORIES, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 479, under section 43 of Ceiling Price Regulation 7, establishes ceiling prices for sales at retail of television receivers manufactured by Allen B. DuMont Laboratories, Inc., 750 Bloomfield Avenue, Clifton, New Jersey, having the brand name "DuMont."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of evidence produced by the Allen B. DuMont Laboratories, Inc., at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established. On the basis of information subsequently obtained, however, the Director now finds that the branded products of the Allen B. DuMont Laboratories, Inc., were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded Allen B. DuMont Laboratories, Inc., to produce satisfactory evidence that the branded products for which it applied for a special pricing order under section 43 of Ceiling Price Regulation 7 were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that Special Order 479, establishing retail ceiling prices for the sale by Allen B. DuMont Laboratories, Inc., of its branded television receivers, must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 479, issued to Allen B. DuMont Laboratories, Inc., establishing ceiling prices for sales at retail of television receivers having the brand name "DuMont," is hereby revoked.

2. Within 15 days after the effective date of this order of revocation, Allen B. DuMont Laboratories, Inc., must send a copy of this order to all purchasers for resale to whom it has given notice of Special Order 479. Twenty days after the effective date of this order each such purchaser for resale, before selling any "DuMont" branded television receivers, must (a) remove all tags which were affixed to "DuMont" branded television receivers in accordance with Special Order 479; and (b) determine ceiling prices for "DuMont" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order of revocation shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7072; Filed, June 24, 1952; 5:12 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 515, as amended.]

PACKARD BELL CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 515 under section 43 of Ceiling Price Regulation 7, as amended, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Packard Bell Company, 12333 W. Olympic Boulevard, Los Angeles 64, California, having the brand name "Packard Bell."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of

the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Packard Bell Company. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Packard Bell Company was granted a special order under section 43 namely, "Packard Bell" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Packard Bell Company to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 515, as amended, establishes retail ceiling prices for sales of the Packard Bell Company's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 515, as amended, issued to Packard Bell Company, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Packard Bell" is hereby revoked. In all other respects Special Order 515, as amended, remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Packard Bell Company must send a copy of this order to all purchasers for resale of "Packard Bell" branded television receivers to whom it has given notice of Special Order 515, as amended. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Packard Bell" branded television receivers must (a) remove all tags which were affixed to "Packard Bell" branded television receivers in accordance with Special Order 515, as amended; and (b) determine ceiling prices for "Packard Bell" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7076; Filed, June 24, 1952; 5:11 p. m.]

[CPR 7, Section 43, Revocation of Special Order 532]

F. B. CONNELLY CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 532, under section 43 of Ceiling Price Regulation 7, establishes ceiling prices for sales at retail of television receivers manufactured by F. B. Connelly Company, 1015 Republican Street, Seattle 9, Washington, having the brand name "Sylvania."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of evidence produced by the F. B. Connelly Company, at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established. On the basis of information subsequently obtained, however, the Director now finds that the branded products of the F. B. Connelly Company were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded F. B. Connelly Company, to produce satisfactory evidence that the branded products for which it applied for a special pricing order under section 43 of Ceiling Price Regulation 7 were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that Special Order 532, establishing retail ceiling prices for the sale by F. B. Connelly Company, of its branded television receivers, must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 532, issued to F. B. Connelly Company, establishing ceiling prices for sales at retail of television receivers having the brand name "Sylvania," is hereby revoked.

2. Within 15 days after the effective date of this order of revocation, F. B. Connelly Company, must send a copy of this order to all purchasers for resale to whom it has given notice of Special Order 532. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Sylvania" branded television receivers, must (a) remove all tags which were affixed to "Sylvania" branded television receivers in accordance with Special Order 532; and (b) determine ceiling prices for "Sylvania" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order of revocation shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7075; Filed, June 24, 1952; 5:13 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 539]

ZENITH RADIO CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 539 under section 43 of Ceiling Price Regulation 7, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Zenith Radio Corporation, 6001 Dickens Avenue, Chicago 39, Illinois, having the brand name "Zenith."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Zenith Radio Corporation. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Zenith Radio Corporation was granted a special order under section 43 namely, "Zenith" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Zenith Radio Corporation to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 539 establishes retail ceiling prices for sales of Zenith Radio Corporation's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 539 issued to Zenith Radio Corporation, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Zenith" is hereby revoked. In all other respects Special Order 539 remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Zenith Radio Corporation must send a copy of this order to all purchasers for resale of "Zenith" branded television receivers to whom it has given notice of Special Order 539. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Zenith" branded television receivers, must (a) remove all tags which were affixed to "Zenith" branded television receivers in accordance with Special Order 539; and (b) determine ceiling prices for "Zenith" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7078; Filed, June 24, 1952; 5:13 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 563]

CAPEHART-FARNSWORTH CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 563 under section 43 of Ceiling Price Regulation 7, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Capehart-Farnsworth Corporation, 3700 E. Pontiac Street, Fort Wayne 1, Indiana, having the brand name "Capehart."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Capehart-Farnsworth Corporation. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Capehart-Farnsworth Corporation was granted a special order under section 43 namely, "Capehart" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Capehart-Farnsworth Corporation to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 563 establishes retail ceiling prices for sales of Capehart-Farnsworth Corporation's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 563, issued to Capehart-Farnsworth Corporation, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Capehart," is hereby revoked. In all other respects Special Order 563 remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Capehart-Farnsworth Corporation must send a copy of this order to all purchasers for resale of "Capehart" branded television receivers to whom it has given notice of Special Order 563. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Capehart" branded television receivers, must (a) remove all tags which were affixed to "Capehart" branded television receivers in accordance with Special Order 563; and (b) determine ceiling prices for "Capehart" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7080; Filed, June 24, 1952; 5:14 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 540, as amended]

PHILCO CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 540 under Section 43 of Ceiling Price Regulation 7, as amended, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Philco Corporation, Tioga and C Streets, Philadelphia 34, Pennsylvania, having the brand name "Philco".

A prerequisite to an applicant's eligibility for a uniform pricing order under Section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under Section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Philco Corporation. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Philco Corporation was granted a special order under Section 43 namely, "Philco", branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Philco Corporation to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 540, as amended, establishes retail ceiling prices for sales of the Philco Corporation's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of Section 43 of Ceiling Price Regulation 7, Special Order 540, as amended, issued to Philco Corporation, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Philco", is hereby revoked. In all other respects Special Order 540, as amended, remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Philco Corporation must send a copy of this order to all purchasers for resale of "Philco" branded television receivers to whom it has given notice of Special Order 540, as amended. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Philco" branded television receivers, must (a) remove all tags which were affixed to "Philco" branded television receivers in accordance with Special Order 540, as amended; and (b) determine ceiling prices for "Philco" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7079; Filed, June 24, 1952; 5:14 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 752, as amended]

RADIO CORPORATION OF AMERICA

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 752 under section 43 of Ceiling Price Regulation 7, as amended, establishes ceiling prices for sales at retail to television receivers and other articles manufactured by the Radio Corporation of America, RCA Victor Division, Camden 2, New Jersey, having the brand name "RCA Victor."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Radio Corporation of America. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Radio Corporation of America was granted a special order under section 43 namely, "RCA Victor" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Radio Corporation of America to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 752, as amended, establishes retail ceiling prices for sales of the Radio Corporation of America's

branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 752, as amended, issued to Radio Corporation of America, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "RCA Victor," is hereby revoked. In all other respects Special Order 752, as amended, remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Radio Corporation of America must send a copy of this order to all purchasers for resale of "RCA Victor" branded television receivers to whom it has given notice of Special Order 752, as amended. Twenty days after the effective date of this order each such purchaser for resale, before selling any "RCA Victor" branded television receivers, must (a) remove all tags which were affixed to "RCA Victor" branded television receivers in accordance with Special Order 752, as amended; and (b) determine ceiling prices for "RCA Victor" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7063; Filed, June 24, 1952; 5:11 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 379, as amended]

MOTOROLA, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 379 under section 43 of Ceiling Price Regulation 7, as amended, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Motorola, Inc., 4545 Augusta Boulevard, Chicago 51, Illinois, having the brand name "Motorola".

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Motorola, Inc. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Motorola, Inc. was granted a special order under section 43 namely, "Motorola" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Motorola, Inc. to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 379, as amended, establishes retail ceiling prices for sales of the Motorola, Incorporated's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 379, as amended, issued to Motorola, Inc., to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Motorola," is hereby revoked. In all other respects Special Order 379, as amended, remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Motorola, Inc., must send a copy of this order to all purchasers for resale of "Motorola" branded television receivers to whom it has given notice of Special Order 379, as amended. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Motorola" branded television receivers, must (a) remove all tags which were affixed to "Motorola" branded television receivers in accordance with Special Order 379, as amended; and (b) determine ceiling prices for "Motorola" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7071; Filed, June 24, 1952; 5:12 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on June 23, 1952.

REGION V

Jacksonville Order G1-11, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 10:38 a. m.

Jacksonville Order G2-11, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 10:40 a. m.

Jacksonville Order G3-11 establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 10:40 a. m.

Jacksonville Order G3A-11, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 10:41 a. m.

Jacksonville Order G4-11, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 10:42 a. m.

Jacksonville Order G4A-11, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 10:42 a. m.

REGION VIII

Fargo Order G1-10, Amendment 1, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 10:37 a. m.

Fargo Order G2-10, Amendment 1, cover-retail prices for certain dry grocery items sold in the Fargo Area, filed 10:37 a. m.

Fargo Order G2-10, Amendment 1, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 10:37 a. m.

REGION XII

Fresno Order G1-10, Amendment 2, changes certain prices for retail sales of certain food items in the Fresno Area, filed 10:34 a. m.

Fresno Order G2-10, Amendment 1, changes certain prices for retail sales of certain food items in the Fresno Area, filed 10:34 a. m.

Fresno Order G2-10, Amendment 3, changes certain prices for retail sales of certain food items in the Fresno Area, filed 10:35 a. m.

Fresno Order G4-10, Amendment 2, changes certain prices for retail sales of certain food items in the Fresno Area, filed 10:35 a. m.

Fresno Order G4A-10, Amendment 1, changes certain prices for retail sales of certain food items in the Fresno Area, filed 10:35 a. m.

Fresno Order G4A-10, Amendment 3, changes certain prices for retail sales of certain food items in the Fresno Area, filed 10:36 a. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-7238; Filed, June 27, 1952; 12:10 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5573]

CONTINENTAL CHARTERS, INC.; COMPLAINT OF MARY BATTISTA ET AL.

NOTICE OF HEARING

In the matter of the complaint of Mary Battista, Mary Messerlos, Joseph Wozniak, Albert Dichak and Thomas E. Myers with respect to Continental Charters, Inc. local passenger tariff CAB #8 Rule 26.1 applying to certain persons to bar claims and actions for injury and death due to negligence of air carrier.

Pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on July 1, 1952, at 10:00 a. m., e. d. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Without limiting the scope of the issues presented in said proceeding, particular attention will be directed to the following matters and questions:

1. Whether under section 403 (a) of the Civil Aeronautics Act of 1938, as amended, Rule 26.1 Local Passenger Travel No. 1, CAB No. 8, issued by John J. Klak, Central Building, Washington, D. C., which reads:

No action shall be maintained for any loss of, any damage to or any delay in the delivery of, any property or baggage, or for injury to or death of any passenger or on any other claim arising out of the trans-

portation of or a failure to transport any passenger or property or baggage, unless notice of the claim is presented in writing to the general offices of the carrier within thirty (30) days after the alleged occurrence of the event giving rise to the claim, and unless the action is commenced within one (1) year after such alleged occurrence,

has been, is or could be lawfully filed;

(a) Whether under section 403 (a) a regulation of the Board could lawfully require the filing of such rule;

(b) Do the regulations of the Board require the filing of such rule?

2. If such rule is lawfully filed, is it, has it been, or will it be unjust or unreasonable or is it unduly preferential or unduly prejudicial or unjustly discriminatory or otherwise unlawful;

(a) Are the practices of Continental Charters, Inc., have they been, or will they be under this rule unjust or unreasonable, unjustly discriminatory or unduly preferential or unduly prejudicial or otherwise unlawful?

3. If such rule has been, is or will be unlawful, what rule, if any, should the Board prescribe?

4. What other relief, if any, should the Board grant complainants?

Notice is further given that any person other than the parties and intervener of record desiring to be heard in this proceeding may file with the Board on or before July 1, 1952, a statement setting forth the issues of fact and of law raised by this proceeding which he desires to controvert, and such person may appear and participate in the hearing in accordance with Rule 14 of the rules of practice.

Dated at Washington, D. C., June 25, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-7134; Filed, June 27, 1952; 9:01 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6437]

ELECTRIC POWER, INC.

NOTICE OF DECLARATION OF INTENTION

JUNE 23, 1952.

Public notice is hereby given that Electric Power, Incorporated, of Berlin, Connecticut, has filed a declaration of intention pursuant to section 23 (b) of the Federal Power Act (16 U. S. C. 817) to construct a hydroelectric development, to be known as the Shepaug Project (Docket No. E-6437) on the Housatonic River in Fairfield, New Haven and Litchfield Counties, Connecticut, about 12 miles upstream from the cities of Derby and Shelton, Connecticut, consisting of a concrete dam 1,412 feet long with maximum height of 139 feet creating a reservoir area of 1,870 acres; a powerhouse containing one vertical shaft Kaplan adjustable blade propeller having a rated capacity of 57,000 horsepower connected to a generator of 27,250 kilowatts rated capacity to be operated under a normal gross head of 97 feet. The power generated would be sold to the Connecticut Light and Power Company for distribution to its customers.

The Commission will investigate the proposed construction and determine whether a license under the Federal Power Act is required or whether the project may be constructed merely upon compliance with the State law.

Any communication from persons interested in this matter may be submitted within 30 days from publication of this notice to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7099; Filed, June 27, 1952; 8:48 a. m.]

[Docket No. G-1977]

LOPENO GAS CO.

NOTICE OF APPLICATION

JUNE 23, 1952.

Take notice that on June 19, 1952, Lopeno Gas Company (Applicant), a Texas corporation, address, Dallas, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the operation of certain river crossing facilities at the international boundary of the United States and Mexico extending from the international boundary to a point of connection within the United States with the natural-gas distribution facilities of United Gas Corporation in Roma, Texas.

Applicant states that said facilities have existed for over twenty years and have been utilized to export natural gas to Mexico. Applicant now proposes to utilize said facilities for the purpose of importing natural gas from Mexico to supply the needs of Roma, Texas, and to discontinue the exportation of natural gas heretofore made by means of said facilities. Applicant estimates the requirements of United Gas Corporation for distribution in Roma, Texas are approximately 500 Mcf per month. The natural gas to be imported is proposed to be purchased from Petroleos Mexicanos, a Public Institution of the Mexican Government, and such gas will be resold by Applicant to United Gas Corporation.

Applicant states that no capital expenditures are involved in connection with its proposed operation since it contemplates the use for importation of natural gas of facilities which have heretofore been used for its exportation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 11th day of July 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7100; Filed, June 27, 1952; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

NOTICE OF HOUSING PROGRAMS AND RELAXATION OF CREDIT CONTROLS IN CRITICAL DEFENSE HOUSING AREAS

PART II—DEFENSE HOUSING PROGRAMS

Appearing below are amendments to previously published defense housing programs and also additional new defense housing programs and supplemental programs to area programs previously published. These amendments are published herein as amendments to Part II (Defense Housing Programs) of the Notice of Housing Programs and Relaxation of Credit Controls in Critical Defense Housing Areas initially published in the FEDERAL REGISTER on October 27, 1951 (16 F. R. 10962).

With respect to the needed housing set out in the additional new defense housing programs and the supplemental programs to area programs previously published, the aids authorized by the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st sess.) including a new and more liberal form of Federal Housing Administration mortgage insurance under Title IX of the National Housing Act, as amended, are available. The approval of an application under Housing and Home Finance Agency Regulation CR 3 is required as a condition to the approval by the Federal Housing Administration of an application for mortgage insurance under the provisions of Title IX of the National Housing Act, as amended. The requirements and restrictions imposed by or pursuant to CR 3 are in addition to all applicable requirements, conditions and restrictions imposed by or pursuant to said Title IX.

With respect to any application approved under NHFA Regulation CR 3 for an exception from residential real estate credit restrictions as being within the additional defense housing programs appearing below, residential real estate credit restrictions are suspended.

For the purpose of additional defense housing programs appearing below preference will be given to locations (within the geographical boundaries of the critical defense housing areas) in established communities nearest the defense activities, with consideration to be given to the availability of adequate community facilities and services.

AMENDMENTS TO DEFENSE HOUSING PROGRAMS PREVIOUSLY PUBLISHED

Amendment 1. Area Program numbered 24, appearing in the FEDERAL REGISTER of October 27, 1951 (16 F. R. 10962) is amended by deleting from the program the 30 one-bedroom rental dwelling units originally scheduled, and by increasing the number of 2 bedroom rental units from 35 to 45, and increasing the number of 3 or more bedroom rental units from 10 to 30. The total number of rental dwelling units is still 75. The program is further amended by increasing the maximum permissible rents of 2 bedroom rental units from $65.00 to

$70.00, and the maximum permissible rents of 3 or more bedroom rental units from $75.00 to $77.50.

Amendment 2. Area Program numbered 31, appearing in the FEDERAL REGISTER of October 27, 1951 (16 F. R. 10962) is amended by deleting from the program the 30 one-bedroom rental dwelling units originally scheduled, and by increasing the number of 3 or more bedroom rental units from 120 to 150. The total number of rental dwelling units is still 400, as in the original area program.

Amendment 3. Area Program numbered 69, appearing in the FEDERAL REGISTER of December 19, 1951 (16 F. R. 12731) is amended by decreasing the number of one-bedroom rental units from 25 originally scheduled to 11, the number of 2 bedroom rental units from 225 to 100, and the number of 3 or more bedroom rental units from 50 to 20. The Area Program is further amended by decreasing the number of 2 bedroom sales units from 175 originally scheduled to 75, and deleting entirely the quota of 25 three or more bedroom sales units. The total of rental units has by such amendment been changed from 300 to 131 and the total of sales units from 200 to 75.

AMENDMENT ADDING NEW DEFENSE HOUSING PROGRAMS AND SUPPLEMENTAL DEFENSE HOUSING PROGRAMS

164. Cascade, Idaho.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms			8	$8,000	8
3 or more bedrooms			2	9,000	2
Total			10		10

LIST OF DEFENSE ACTIVITIES

Dredging activities of J. R. Simplot Company and Associates.

CRITICAL DEFENSE HOUSING AREA

Precincts of Cascade and Alpha in Valley County.

167. Ely, Nevada.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	10	$55.00	30	$8,500	40
3 or more bedrooms	10	65.00	20	9,500	30
Total	20		50		70

LIST OF DEFENSE ACTIVITIES

Kennecott Copper Corporation, Nevada Mines Division.
Consolidated Copper Mines Corporation.
Isbell Construction Company.
Nevada Northern Railway Company.
Foley Brothers Construction Company.
Baltimore-Kamis Company.
Willard Leasing Company.
Coastal Drilling Company.
Geophysical Surveys, Inc.

CRITICAL DEFENSE HOUSING AREA

Ely Township, White Pine County.

168. Ephrata-Moses Lake, Washington.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	10	$65.00			10
2 bedrooms	50	75.00	15	$8,500	65
3 or more bedrooms	15	85.00	10	10,500	25
Total	75		25		100

LIST OF DEFENSE ACTIVITIES

Larson Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Census Divisions 6, 7, 10, 11 and 12 in Grant County.

169. Farmington, New Mexico.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	60	$70.00	35	$8,000	95
3 or more bedrooms	20	80.00	35	9,000	55
Total	80		70		150

LIST OF DEFENSE ACTIVITIES

Production of pertroleum and natural gas and their products, including exploration and drilling.

Mining and processing of uranium ore.

CRITICAL DEFENSE HOUSING AREA

San Juan County.

NOTE: Program numbered 171 is reserved for the Republic-Curlew, Washington Area. When a program is developed and prepared for this area, such program will be published in the FEDERAL REGISTER as an additional new defense housing program.

172. Sioux City, Iowa.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	250	$75.00	[1] 250	$10,000	500
3 or more bedrooms	100	85.00	100	11,000	200
Total	350		350		700

[1] 100 of these units at a sale price not to exceed $9,000.

LIST OF DEFENSE ACTIVITIES

Sioux City Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Sioux City and the townships of Woodbury and Liberty, all in Woodbury County, Iowa.

173. Lea County, New Mexico.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	100	$70.00	100	$8,000	200
3 or more bedrooms	100	80.00	100	9,000	200
Total	200		200		400

LIST OF DEFENSE ACTIVITIES

Production of petroleum, natural gas and their products, including exploration and drilling.

CRITICAL DEFENSE HOUSING AREA

Lea County.

174. Poughkeepsie, New York.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	[1] 75	$60.00			75
2 bedrooms	[2] 300	70.00			300
3 or more bedrooms	[3] 125	80.00			125
Total	500				500

[1] 25 of these units at a rental not to exceed $50.
[2] 200 of these units at a rental not to exceed $60.
[3] 75 of these units at a rental not to exceed $70.

LIST OF DEFENSE ACTIVITIES

International Business Machines Corporation.
Schatz Manufacturing Company.
Federal Bearings Company, Inc.
US Hoffman Machinery Corporation.
Standard Gage Company, Inc.
Hopewell Products, Inc.
Daystrom Electric Company.
Fargo Manufacturing Company, Inc.
Nilsson Gage Company, Inc.
Sedwick Machine Works, Inc.
De Laval Separator Company.
Hoe Corporation.
Military and civilian personnel of the Armed Services on duty in the Poughkeepsie area.

CRITICAL DEFENSE HOUSING AREA

City of Poughkeepsie and the Towns of Poughkeepsie, Hyde Park, Pleasant Valley, La-Grange, Wappinger and East Fishkill, all in Dutchess County.

65 (A). Camp Stewart, Georgia.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	95	$70.00	10	$8,000	105
2 bedrooms	55	80.00	10	9,000	85
3 or more bedrooms					
Total	150		20		[1] 170

[1] This quota is in addition to the 20 rental units authorized in Program No. 65, approved Nov. 19, 1951.

LIST OF DEFENSE ACTIVITIES

Camp Stewart, Army Anti-Aircraft Training Area.

CRITICAL DEFENSE HOUSING AREA

Long, Liberty, Tattnall, and Wayne Counties.

96 (A). La Porte, Indiana.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	100	$65.00	50	$10,000	150
2 bedrooms	50	75.00	50	11,000	100
3 or more bedrooms					
Total	150		100		[1] 250

[1] This quota is in addition to the quota of 250 rental units in Program No. 96 approved Dec. 3, 1951.

LIST OF DEFENSE ACTIVITIES

Kingsbury Ordnance Plant.
Whirlpool Corporation—Aircraft Division.
Allis-Chalmers Manufacturing Company.
American Safety Razor Kingsbury Corporation.

CRITICAL DEFENSE HOUSING AREA

La Port and Stark Counties.

98 (A). Carlsbad-Artesia, New Mexico.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	20	$70.00	50	$8,000	70
3 or more bedrooms	5	80.00	25	9,000	30
Total	25		75		[1] 100

[1] This quota is in addition to the 75 rental units and 225 sales units authorized in Program No. 98, approved Dec. 3, 1951.

LIST OF DEFENSE ACTIVITIES

Potash Company of America.
United States Potash Company.
International Minerals and Chemical Corporation.
Duval Sulphur and Potash Company.
Southwest Potash Company.
Production of petroleum, natural gas and their products, including exploration and drilling.

CRITICAL DEFENSE HOUSING AREA

Eddy County. All of the housing authorized in this Program No. 98 (A) is to be located in Artesia or its environs.

145 (A). Parsons, Kansas.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms			10	$10,500	10
3 or more bedrooms			10	11,500	10
Total			20		[1] 20

[1] This quota is in addition to the quota of 75 rental units and 75 sales units authorized in Program No. 145, approved Mar. 3, 1952.

LIST OF DEFENSE ACTIVITIES

Kansas Ordnance Plant.

CRITICAL DEFENSE HOUSING AREA

Labette County.

158 (A). Port Lavaca, Texas.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	45	$65.00	20	$7,500	65
3 or more bedrooms	10	77.50			10
Total	55		20		[1] 75

[1] This quota is in addition to the quota of 25 rental units and 25 sales units authorized by Program No. 158, which was approved Mar. 18, 1952.

LIST OF DEFENSE ACTIVITIES

Aluminum Company of America, Point Comfort Works.
Matagorda Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Calhoun County.

4 (B). San Diego, California.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	100	$55.00			100
2 bedrooms	230	65.00	50	$8,500	280
3 or more bedrooms	70	75.00	50	9,500	120
Total	400		100		[1] 500

[1] The units in this program are in addition to the 6,700 units in Program No. 4 and the 2,800 units in Program No. 4 (A). As indicated by the listed defense activities, the housing authorized herein is for locations in the San Diego area which will best serve the needs of Camp Pendleton, the Naval Ammunition Supply Depot at Fallbrook, and the Bill Jacks Scientific Instrument Co.

LIST OF DEFENSE ACTIVITIES

Camp Pendleton.
Naval Ammunition Supply Depot, Fallbrook.
Bill Jacks Scientific Instrument Company.

CRITICAL DEFENSE HOUSING AREA

That part of San Diego County west of the San Bernardino Meridian.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

JUNE 28, 1952.

[F. R. Doc. 52-7180; Filed, June 27, 1952; 9:01 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27183]

LIME FROM POINTS IN VIRGINIA TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JUNE 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1227.

Commodities involved: Lime, Common, hydrated, quick or slack, carloads.

From: Points in Virginia.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1227, Supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7104; Filed, June 27, 1952; 8:49 a. m.]

[4th Sec. Application 27184]

ALUMINUM CASTINGS FROM POINTS IN NEW YORK AND NEW JERSEY TO ANDERSON, S. C.

APPLICATION FOR RELIEF

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-911.

Commodities involved: Aluminum castings, in the rough, in mixed carloads with other articles.

From: New York and Brooklyn, N. Y., Elizabethport and Manville (Finderne), N. J.

To: Anderson, S. C.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-911, Supp. 48.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7105; Filed, June 27, 1952; 8:50 a. m.]

[4th Sec. Application 27185]

ALUMINUM, PLATE OR SHEET, AND MACHINERY FROM POINTS IN ILLINOIS AND WISCONSIN TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JUNE 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 741, pursuant to fourth-section order No. 9800.

Commodities involved: Aluminum, plate or sheet, including roofing shingles or siding, and paper making or pulp making machinery or machines and parts, carloads.

From: Points in Illinois and Wisconsin.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7106; Filed, June 27, 1952; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-5794 (22-419)]

CHAMPION PAPER AND FIBRE CO.

NOTICE OF APPLICATION

JUNE 24, 1952.

Notice is hereby given that The Champion Paper and Fibre Company (applicant) has filed an application under clause (ii) of section 310 (b) (1) of the Trust Indenture Act of 1939 for a finding by the Commission that trusteeship by The First National Bank of Cincinnati under an indenture dated July 15, 1945 (which indenture was heretofore qualified under the Trust Indenture Act of 1939) and trusteeship by said bank under an indenture dated January 15, 1948, as supplemented by a supplementary indenture dated June 1, 1952 (hereafter collectively called "the 1948 indenture"), which was not qualified under the act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify said trustee from acting as such under the qualified indenture.

It appears from the application and the indentures: (1) That applicant proposes to issue $5,000,000 principal amount of its Sinking Fund Debentures 3⅜ percent Series B, due June 1, 1972, under the 1948 indenture under which The First National Bank of Cincinnati is to be indenture trustee, that said debentures will be sold to one institutional investor which will purchase them for investment and not with a view to distribution, that the transaction is therefore exempted from registration under the Securities Act of 1933 by section 4 (1) thereof, and that the 1948 indenture is exempted from qualification under the Trust Indenture Act of 1939 by section 304 (b) (1) thereof; (2) that said 1948 indenture will limit the aggregate principal amount of debentures at any time outstanding thereunder to $9,180,000, consisting of $4,180,000 principal amount of Debentures Series A already issued and $5,000,000 of Debentures Series B to be issued; (3) that applicant has outstanding its 3 percent Debentures due July 15, 1965, originally issued in the aggregate principal amount of $13,000,000 under the 1945 indenture which was qualified under the act; (4) that the 1945 indenture names The First National Bank of Cincinnati as indenture trustee and contains language substantially similar to that of section 310 (b) (1) of the act, including clause (ii) thereof; (5) that the 1945 indenture is, and the 1948 indenture will be, wholly unsecured and that the provisions of the 1948 indenture will in all other material respects be substantially the same as the 1945 indenture except that the 1948 indenture will contain different dates, interest rates, redemption prices, sinking fund amounts, an additional limitation on the company's ability to pay dividends, and the effectiveness of certain provisions conforming to the act will be deferred until the new indenture is qualified thereunder; (6) that a default under either of said indentures resulting in the acceleration of the maturity of the debentures issued thereunder will constitute a default under the other indenture; and (7) the differences existing between the 1945 indenture and the 1948 indenture are not likely to involve a material conflict of interest in the trusteeship.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington 25, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time after July 10, 1952, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310 (b) (1) of the Trust Indenture Act of 1939. Any interested person may, not later than July 7, 1952, at 5:30 p. m., e. d. s. t., in writing submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7108; Filed, June 27, 1952; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18889]

REICHSSTELLE FUER DEN UNTERRICHTSFILM ET AL.

In re: Rights in motion pictures owned by Reichsstelle fuer den Unterrichtsfilm and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the owners of the motion pictures listed in Exhibit A attached

hereto and made a part hereof, who, if individuals, there is reasonable cause to believe were on or since December 11, 1941, and prior to January 1, 1947, residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany), and who, if partnerships, associations, corporations or other business organizations, there is reasonable cause to believe were on or since December 11, 1941, and prior to January 1, 1947, organized under the laws of, and had their principal places of business in Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, in, to and under the following:

(1) The motion pictures listed in said Exhibit A including, but not limited to, the exclusive right to exhibit same in whole or in part by any means within the United States, all rights to arrange, adapt, revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures;

(2) The screen plays, scenarios, and shooting scripts upon which said motion pictures are based, including, but not limited to, all motion picture and television rights therein, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said screen plays, scenarios, and shooting scripts;

(3) The rights to dramatize, perform, represent, and reproduce on motion picture film those portions of the published and unpublished works subject to copyright, other than the above mentioned screen plays, scenarios, and shooting scripts, which underlie or are embodied in said motion pictures and to exhibit such film by any means in the United States;

(b) All right, title, interest, and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the Government of Germany, including its political subdivisions, agencies and instrumentalities, and of the persons referred to in Column 2, of said Exhibit A and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order including said Exhibit A, who were on or since December 11, 1941, and prior to January 1, 1947 citizens and residents of, or which were on or since December 11, 1941, and prior to January 1, 1947 organized under the laws of or had their principal places of business in Germany and are, and prior to January 1, 1947, were nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the motion pictures listed in said Exhibit A;

(2) All arrangements, adaptations, revisions, dramatizations, translations, and versions of the motion pictures listed in said Exhibit A;

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 2 (a), 2 (b) (1) and 2 (b) (2) of this vesting order;

(4) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 2 (a) and 2 (b), of this vesting order, and;

(c) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 2 (a), and 2 (b) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Germany) and the persons referred to in subparagraphs 1 and 2 (b) hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraphs 1 and 2 (b) hereof be treated as persons who are and prior to January 1, 1947 were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interst,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 11, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Title of motion picture	*Producer and/or distributor*
Afrikanische Affen.	
Arbeit bricht Not—Arbeit schafft Brot. (entire series).	
Aufmarsch.	
Aus dem Bayerischen Wald	Reichsstelle fuer den Unterrichtsfilm.
Bau eines Flugzeuges	Arnold & Richter K. G.
Die Bayerischen Alpen.	
Bayreuther Buehnenfestspiel im Kriegsjahre 1940.	
Befruchtung und Furchung des Kaninchencies.	
Das Begrabenis Horst Wessels.	
Bergsteiger in den Allgaeuer Alpen.	
Blaue Jungens in Hamburg.	
Brand auf Moskau.	
Braune Messe.	
Carnival in China.	
Cavalcade of the Tobacco.	
Cherbourg.	
Degeto Weltspiegel	Degeto-Kulturfilm G. m. b. H.
Deine Heimat.	
Demonstrationen in den USA gegen Deutschland.	
Deutsche Arbeit und Fuehrer.	
Der deutsche Bauer am Werk.	
Die deutsche Frauenkolonialschule Rendsburg	Paul Lieberenz-Film.
Deutsche Kulturarbeit in Kamerun.	
Die Deutsche Westgrenze	Reichsstelle fuer den Unterrichtsfilm.
Deutscher Erntedanktag 1933.	
Deutschlands Sport.	
Elektrischer Schwingkreis.	
Erntedank am Oberrhein 1934.	
Erntefeier in Muenchen.	
Festival in Cologne.	
Fluessige Kraft.	
Front und Heimat.	
Gaukulturwoche.	
Der Gautag der bayerischen Ostmark.	
Gelaendelauf.	
Generator.	
Gesunde Jugend—Gesundes Volk.	

EXHIBIT A—Continued

Title of motion picture	*Producer and/or distributor*
Gesundheitspflege in den warmen Laendern	Oberkommando des Heeres. Abteilung Lehrfilm.
Giesserei.	
Gorch Fock.	
Grossflugtag der NSDAP in Bayreuth.	
Grosskraftwerk in Stettin.	
Hamburg im Zeichen des Skagerraktages.	
Heidelberg.	
Herstellung eines Porzellanteilers	Weid Kulturfilm.
Hitler Fahrt.	
Hitler Jugend (Das Lager in Bonlanden).	
Hochzeit am Tegernsee.	
Holzfloesserei.	
Hungary.	
Im Spreewald.	
Jahresschau	Heeresfilmstelle.
Jugend im Kriegsgeschehen.	
Kohlenschlepper auf dem Mittelrhein.	
Kraft durch Freude.	
Die Kundgebung "Deutsche Arbeit" Oct. 15, 1933.	
Leibeserziehung in der Schule	Reichsstelle fuer den Unterrichtsfilm.
Luftaufnahmen von Gebirgen.	
Das luftschutzbereite Haus.	
Luftschutzvorbereitungen.	
Maedel im Landjahr	Kulturfilm-Institut G. m. b. H.
Magdeburg—Nuernberg Parteitag 1935.	
Mit dem Deutschlandflug durchs Bayerland.	
Motor-Hitler Jugend im Saltal.	
Nach Norwegen.	
Nachtmarsch in Berlin.	
Negerkinder.	
Olympiasieger 1936.	
Ostland—Deutsches Land.	
Pferde in Arizona.	
Pilgrimage to Jerusalem.	
Der Porsche Tiger.	
Reichsarbeitsdienst.	
Reichsparteitage der N. S. D. A. P.	
Ein Rueckblick.	
Die Saar bleibt deutsch.	
Die Saat geht auf.	
Schachter, der Jude.	
Schiffahrt am Rhein.	
Die Schweizer Reise 1938.	
September 1934 Mittelmeerfahrt mit Dampfer "Siena Cordoba".	
Spanische und bayerische Taenze.	
Spielzeugherstellung im Erzgebirge.	
Sport Festival.	
Das Sportfest der SA Brigade 77.	
Stahlwerk I. der Mischer	Weid Kulturfilm.
Das steinerne Buch	Tobis-Filmkunst G. m. b. H.
Stoerungen an Dieselmotoren.	
Die Strassen der Zukunft.	
Tag der Deutschen Arbeit.	
Das Treffen der alten Garde in Passau.	
Uebung macht den Meister.	
Unsere Frauen wissen sich zu helfen	Bahr-Film.
Urlaub im saechsischen Felsengebirge.	
Vigo.	
Voruebungen mit Geraet und freie Kaempfe.	
Wahlkampf.	
Waifang.	
The Wegener Expeditions.	
Die Wethe der "Bernhard Russ-Hochschule" in Braunschweig.	
Werde Meister im Handwerk	Reichsstand des Deutschen Handwerks.
West-India.	
"Wetterwarte 18" in den Bayerischen Alpen	Reichsfilmstelle.
Eine wilde Jagd	Reichspropagandaleitung der NSDAP.
Winternothilfe in 1933.	
Wort und Tat.	
Zeit im Bild: Frau im Kriege.	

[F. R. Doc. 52-7112; Filed, June 27, 1952; 8:52 a. m.]

[Vesting Order 18914]

HENNY BURDE

In re Stock owned by and debt owing to Henny Burde. F-28-31891-A-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Henny Burde, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Five (5) shares of $10.00 par value common capital stock of Cities Service Company, Sixty Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered LE 32893, registered in the name of Henny Burde and presently in the custody of Emil Burde, 1043 Camino Pablo, San Jose, California, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of Emil Burde, 1043 Camino Pablo, San Jose, California, representing income and accumulations received by said Emil Burde from the stock described in subparagraph 2 (a) hereof, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Henny Burde, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 24, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7114; Filed, June 27, 1952; 8:55 a. m.]

[Vesting Order 18915]

DEUTSCHE LANDERSBANK AKTIENGESELLSCHAFT

In re: Debt owing to Deutsche Landersbank Aktiengesellschaft.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Landersbank Aktiengesellschaft, the last known address of which is Westendstr. 41, Frankfurt on Main, Germany, is a corporation, partnership, association, or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Hermann Hummel, 93 Ivy Street, Brookline, Massachusetts, arising out of a loan by Deutsche Landersbank Aktiengesellschaft in 1936 and in the amount of RM 63,440, on August 5, 1945, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Deutsche Landersbank Aktiengesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 24, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7115; Filed, June 27, 1952; 8:55 a. m.]

[Vesting Order 18916]

GERMANY

In re: Cash owned by Germany. F-28-13594.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows:

a. Cash in the amount of $18,447.35 in a Deposit Fund Account, of the Department of State, Washington, D. C., Symbol 19X6875, account number 14590-42, maintained with the Treasurer of the United States, Treasury Department, Washington, D. C., and referred to as "Official Funds of the Former German Government received from the Swiss Legation, Washington, D. C.," and

b. Currency and coin as follows:

180 Belgian francs
986.36 German Reichmarks

presently in the custody of the Department of State, Washington, D. C.,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 24, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7116; Filed, June 27, 1952; 8:55 a. m.]

[Vesting Order 18917]

CHRISTOPHER LAMBERT

In re: Securities owned by Christopher Lambert. F-28-31843.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Christopher Lambert, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty-five (25) shares of preferred $10.00 par value stock of Royalty Corporation of America, a corporation organized under the laws of the State of Oklahoma, evidenced by a certificate numbered 4531, registered in the name of Christopher Lambert, and presently in the custody of the Attorney General of the United States in a safekeeping account numbered 66-200043, together with all declared and unpaid dividends thereon.

b. Five (5) shares of preferred no-par value stock of Tri-State Royalty Corporation, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NPL201, dated March 15, 1930, registered in the name of Christopher Lambert, and presently in the custody of the Attorney General of the United States in a safekeeping account numbered 66-200043, together with all declared and unpaid dividends thereon, and any and all rights to exchange under plan of May, 1931, and

c. Five (5) shares of common no-par value stock of Tri-State Royalty Corporation, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NCL199, dated March 15, 1930, registered in the name of Christopher Lambert, and presently in the custody of the Attorney General of the United States in a safekeeping account numbered 66-200043, together with all declared and unpaid dividends thereon, and any and all rights to exchange under plan of May 1931,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Christopher Lambert, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 24, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7117; Filed, June 27, 1952; 8:56 a. m.]

[Vesting Order 18918]

CARMELITA MUELLER-MEYERHOFF

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Carmelita Mueller-Meyerhoff, deceased. F-28-7838.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Carmelita Mueller-Meyerhoff, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows: Twenty-five (25) shares of $100.00 par value 6 percent Cumulative prior preference capital stock of Market Street Railway Company, 58 Sutter Street, San Francisco, California, a corporation organized under the laws of the State of California, evidenced by a certificate numbered SF01845, together with all declared and unpaid dividends thereon, and any and all rights under a plan of liquidation, effective December 19, 1950 of the aforesaid company,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Carmelita Mueller-Meyerhoff, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 24, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7118; Filed, June 27, 1952; 8:56 a. m.]

[Vesting Order 15889, as amended, Amdt.]

ELIZABETH L. FRIEBEL

In re: Safe deposit lease and contents owned by Elizabeth L. Friebel, also known as Elizabeth Lena Friebel, Elizabeth Lura Friebel and as Betty Friebel.

Vesting Order 15889, as amended, dated November 21, 1950, is hereby further amended as follows and not otherwise:

By adding to subparagraph 2 (b) j. of said Vesting Order 15889, as amended the following: 1 White metal locket.

All other provisions of said Vesting Order 15889, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 24, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7119; Filed, June 27, 1952; 8:56 a. m.]

[Vesting Order 18872, Amdt.]

DR. O. SIEFERT ET AL.

In re: Securities owned by Dr. O. Siefert and others.

Vesting Order 18872, dated May 7, 1952, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached to and by reference made a part of said Vesting Order 18872, the certificate number "A23894" set forth with respect to 10 shares of the Baltimore & Ohio Railroad Company stock, and substituting therefor the certificates numbers "A23894" and "A51824".

All other provisions of said Vesting Order 18872, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and cofirmed.

Executed at Washington, D. C., on June 24, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7120; Filed, June 27, 1952; 8:56 a. m.]

[Vesting Order 18886, Amdt.]

CHARLES AND JOHN SCHULTE

In re: Interests and real property and property insurance policies owned by Charles Schulte and John Schulte.

Vesting Order 18886, dated June 4, 1952, is hereby amended as follows and not otherwise:

By deleting from subparagraph 2 (a) of said Vesting Order 18886 the word "Missouri" and substituting therefor the word "Kentucky".

All other provisions of said Vesting Order 18886 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 24, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7121; Filed, June 27, 1952; 8:56 a. m.]